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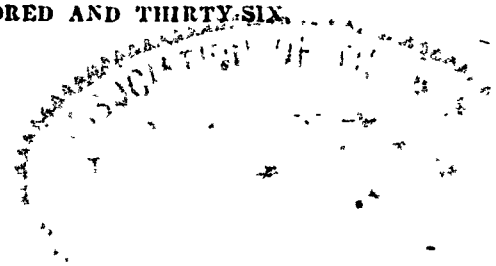
JOURNAL

OF THE

PROCEEDINGS OF THE CONVENTION

MET TO FORM A CONSTITUTION AND SYSTEM OF STATE GOVERNMENT FOR THE PEOPLE OF ARKANSAS—AT THE SESSION OF THE SAID CONVENTION HELD AT LITTLE ROCK, IN THE TERRITORY OF ARKANSAS, WHICH COMMENCED ON THE FOURTH DAY OF JANUARY, AND ENDED ON THE THIRTIETH DAY OF JANUARY, ONE THOUSAND EIGHT HUNDRED AND THIRTY-SIX.



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1836.

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JOURNAL

OF THE

CONVENTION OF ARKANSAS.

Monday, Jan. 4, 1836.

In pursuance of an act passed at the Session of the General Assembly of the Territory of Arkansas, in October, 1835—entitled "*An Act for the election of members to a Convention to frame a Constitution and system of Government for the People of Arkansas, preparatory to their admission into the Union as a State*"—the Convention assembled at Little Rock, on the first Monday in January, it being the fourth day of said month, in the year of our Lord, one thousand, eight hundred and thirty six, and of the Independence of the United States of America, the sixtieth year:

A quorum of the members being present, on motion of Mr McCamy, Mr Bean was called to the Chair, and the members called to order.

The following members then came forward, produced their credentials, were qualified and took their seats, to wit:

From the Counties of Pulaski, White and Saline—William Cummins, Absalom Fowler and John McLain.

From the County of Hot Spring—James S. Conway.

From the County of Jefferson—Sam. C. Roane.

" " *Pike*—Elijah Kelly.

" " *Hempstead*—Grandison D. Royston and James H. Walker.

" " *Lafayette*—Josiah N. Wilson.

" " *Miller*—Travis G. Wright.

" " *Union*—Andrew J. May.

" " *Crittenden*—J. D. Calvert.

" " *St. Francis*—William Strong and Caleb S. Manly.

" " *Phillips*—Henry L. Biscoe and George W. Ferebee.

" " *Arkansas*—Bushrod W. Lee.

" " *Monroe*—Thomas J. Lacy.

" " *Jackson*—John Robinson.

From the Counties of Arkansas and Jefferson—Terence Farrelly.

" " *Izard and Carroll*—John Adams.

" *the County of Chicot*—John Clark and Anthony H. Davies.

From the Counties of Randolph and Lawrence—Robert Smith, Thomas S. Drew, David W. Lowe and Henry Slavens.

From the County of Independence—John Ringgold & Townsend Dickenson.

" " *Izard*—Charles R. Saunders.

" " *Carroll*—John F. King.

" " *Washington*—David Walker, Mark Bean, Abraham Whinnery, William McK. Ball, James Boon & Robert McCamy.

From the County of Crawford—James Woodson Bates, John Drennen & Richard C. S. Brown.
" " *Scott*—Gilbert Marshall.
" " *Pope*—Thomas Murray, Jr.
" " *Johnson*—Lorenzo N. Clarke.
From the Counties of Johnson and Pope—Andrew Scott.
" *County of Van Buren*—Walker W. Trimble.
" " *Conway*—Nimrod Menefee.
" " *Sevier*—Joseph W. McKean.
" " *Clark*—John Wilson.

On motion of Mr Roane, the Convention adjourned until to-morrow morning, 10 o'clock.

Tuesday, Jan. 5th, 1836.

The Convention met, pursuant to adjournment.

Wright W. Elliott, the member from the County of Crittenden, and G. L. Martin, the member from Greene County, appeared, were qualified, and took their seats.

On motion of Mr Whinnery, the Convention proceeded to the election of a President.

Mr Scott nominated Mr *Bates;* Mr Drew nominated Mr *Ringgold;* and Mr Conway nominated Mr *Wilson.*

Messrs Conway and Boon were appointed tellers, and, on the first balloting, the vote stood:

For Mr Wilson, 24 votes.
" Mr Ringgold, 16 "
" Mr Bates, 9 "
" Mr McCamy, 1 "

And no one having received a majority of all the votes, the Convention proceeded to a second balloting, (Mr Bates having withdrawn his name)—whereupon

Mr Wilson received 28 votes, and
Mr Ringgold 22 votes.

Mr Wilson, of Clark, having received a majority of all the votes, was declared duly elected President of the Convention, and was conducted to the Chair accordingly.

The Convention then went into the election of Secretary. Mr Ringgold nominated *Charles P. Bertrand*, and Mr Conway nominated *John Hutt:* Messrs Ringgold and Conway were appointed tellers; and on the first balloting the following was the result, to wit:

For C. P. Bertrand, 32 votes,
" John Hutt, 18 "

Whereupon, Charles P. Bertrand, of Little Rock, was declared duly elected Secretary of the Convention, and was qualified, and entered upon the discharge of his duties.

On motion, the Convention proceeded to the election of a Sergeant-at-arms. Mr Murray nominated *J. V. Patton*, and Mr Walker of Hempstead nominated *Asa G. Baker:* Messrs Murray, and Walker of Hempstead were appointed tellers; and on the first balloting the vote stood—for Asa G. Baker, 34 votes—for J. V. Patton, 16 votes. Whereupon, Asa G. Baker was declared duly elected Sergeant-at-arms, was qualified, and entered upon the discharge of his duties.

Mr Menefee introduced the following Resolution, which was adopted:

Resolved, That a Committee be appointed, to provide a suitable house for the accommodation of this Convention; and report thereon to-morrow morning.

Messrs Menefee, Walker of Hempstead, Whinnery, Manly and Cummins were appointed said Committee.

The following Resolution, submitted by Mr Farrelly, was adopted:

Resolved, That the President appoint a Committee on Elections, to consist of seven members.

Messrs Farrelly, Boon, Brown, Scott, Roane, Royston and Clark of Chicot were appointed said Committee.

Mr Roane submitted the following Resolution:

Resolved, That it expedient at this time to form a Constitution and State Government for the People within this Territory.

The question being on the adoption of said Resolution, the Yeas and Nays were called for, and stood as follows:

YEAS—Messrs Adams, Bates, Biscoe, Brown, Bean, Ball, Boon, Clark of Chicot, Clarke of Johnson, Conway, Cummins, Calvert, Drew, Dickenson, Drennen, Davies, Elliott, Fowler, Fercbee, Farrelly, Keily, King, Lacy, Lowe, Lee, McLain, McKean, Martin, Marshall, May, Murray, Manly, McCamy, Menefee, Ringgold, Roane, Royston, Robinson, Scott, Strong, Smith, Slavens, Saunders, Trimble, Walker of Washington, Wilson of Lafayette, Wright, Whinnery, and Mr President—49.

NAY—Mr Walker of Hempstead—1.

So the Resolution was adopted.

Mr Murray introduced the following Resolution, which was adopted:

Resolved that the Secretary be authorised to purchase such books and stationery as may be required for the use of the present Convention.

The following Resolution, submitted by Mr Walker of Hempstead, was adopted:

Resolved, That a Committee of six be appointed to draft regulations for the Government of this House during its session.

And Messrs Walker of Hempstead, Farrelly, McCamy, Scott, Lacy, and Bates were appointed said Committee.

The President presented the petition of John L. Lafferty, contesting the election of Mr Trimble, the sitting member—which was referred to the Committee on Elections.

The President also presented the petition of Wm. D. Ferguson, contesting the election of Mr Elliott, the sitting member—which was referred to the Committee on Elections.

Mr Conway introduced the following Resolution, which was adopted:

Resolved, That until farther regulated by the rules of the House, that the regular hour of meeting be 10 o'clock, A. M.

The following Resolution, submitted by Mr Farrelly, was adopted:

Resolved, That the President appoint the following Committees—A Committee on the Executive, to consist of seven members—A Committee on the Judiciary, to consist of nine members—A Committee on Revenue, to consist of nine members—and a Committee on Legislative, to consist of eleven members.

And the Convention adjourned.

Wednesday, Jan. 6, 1836.

The Convention met, pursuant to adjournment.

Mr Farrelly, from the Committee on Elections, made the following Report—which was adopted:

The Committee on Elections, to whom was referred the petition of Wm. D. Ferguson, contesting the election of Wright W. Elliott, to a seat as Delegate from Crittenden County, Report—That your Committee have had the subject referred to them under consideration, and upon a full examination of the papers referred to them in this case, and the testimony of witnesses produced by the parties before the Committee, are of opinion, that the said Wm. D. Ferguson has not made out such a case as in the opinion of the Committee should entitle him to the place of the said Wright W. Elliott, the sitting

member. They therefore report against the claim of the petitioner, and ask leave to be discharged from the further consideration of the subject.

Mr Roane, from the same Committee, made the following Report, accompanied by a Resolution, both of which were adopted:

Your Committee to whom was referred the matter of the petition of Mr John L. Lafferty, contesting the right of Mr Walker W. Trimble to a seat in this Convention from the County of Van Buren, and claiming the right of a seat therein—have had the same under consideration, and on examination of the poll books of the several township elections, held on the 14th of December last, in said County, for a member of this Convention, find, that on adding up all the votes given for a member of Convention, Mr Lafferty had sixty three votes, and Mr Trimble had fifty six votes, making a majority of seven votes in favor of Lafferty. There appears to have been some of the formalities of the election laws that were not strictly complied with in certifying the poll books, but we are of opinion that there is sufficient to show that a majority of the vote of the County was given in favor of Mr Lafferty—all of which is submitted as a part of this Report—and respectfully submit to this Convention the following Resolution, viz:

Resolved, That the seat of Walker W. Trimble in this Convention be vacated, and that John L. Lafferty is entitled to a seat in his stead.

Mr Lafferty then came forward, was qualified, and took his seat.

Mr Menefee made the following Report, which was adopted:

The Select Committee, to whom was referred the subject of providing a suitable building for the future and permanent deliberations of the Convention, Report—That they have had the subject under consideration, and have impartially examined all the buildings that have been within their reach to procure, and find none that affords so many facilities and comforts as the Presbyterian Church, which has been tendered to your Committee at one hundred dollars in Territorial scrip—the Methodist at fifty dollars, and the Baptist Church at two dollars per day.

Mr Bean then submitted the following Resolution, which was agreed to:

Resolved, That the proposals of the trustees of the Presbyterian Church be accepted.

Mr Walker of Hempstead, from the Select Committee to draft rules for the government of the Convention during its session, reported the following Rules, which were adopted:

Rule 1st. At the hour to which the Convention shall have adjourned, the President shall take the chair, and in case there shall not be a quorum present, he may, on motion, order a call of the House, and send for absent members.

Rule 2d. Two thirds of the sitting members shall constitute a quorum, and on the appearance of that number, the President shall cause the minutes of the preceding day to be read, and proceed to business.

Rule 3d. The President shall preserve order and decorum, and shall decide questions of order, subject to an appeal to the Convention—he shall have the right to nominate any member to perform the duties of the Chair—but such substitution shall not extend beyond an adjournment.

Rule 4th. All motions and addresses shall be made to the President, the member rising from his seat.

Rule 5th. No motion shall be debated or put, unless the same shall be seconded—when a motion is seconded, it shall be stated by the President, before debate—and every motion shall be reduced to writing, on the request of the President or any member.

Rule 6th. On any question taken, the yeas and nays shall be entered, if requested by five members.

Rule 7th. If two or more members shall rise at once, the President shall name the member who is first to speak.

RULE 8th. That no interruption shall be suffered while a member is speaking, but by a call to order by the President, or by a member, through the President—when the member called to order shall immediately sit down, until permitted by the President to proceed.

RULE 9th. Whenever a member is called to order, the objectionable words shall be immediately reduced to writing.

RULE 10th. While the President is putting the question, no member shall walk out of, or across, the house—nor when a member is speaking, shall any member be engaged in conversation, or pass between him and the Chair.

RULE 11th. That no member be referred to by name in any debate.

RULE 12th. That any member making a motion, may withdraw it before the question is put thereon, and before amendment made; after which, any member may renew the same motion.

RULE 13th. All Committees shall be nominated by the President, and agreed to by the Convention—unless otherwise ordered by the Convention.

RULE 14th. That none be admitted within the bar, without permission of the President, except the members.

RULE 15th. The previous question shall always be in order, and until decided, shall preclude all amendment and debate of the main question—and shall be in this form—"shall the main question be now put?"

RULE 16th. All questions shall be put in the order moved, except in cases of amendment and filling up blanks, when the amendment last proposed, the highest number and the longest time, shall be first put.

RULE 17th. A motion to adjourn shall be always in order, and shall be decided without debate.

RULE 18th. In forming Committees of the Whole, the President shall appoint a Chairman before he leaves the Chair.

RULE 19th. No member shall speak more than twice to the same question without leave, nor more than once, until every member choosing to speak shall have spoken.

RULE 20th. No motion for reconsideration shall be in order, unless on the same day, or day following that on which the decision proposed to be reconsidered took place. A motion for reconsideration being put and lost, shall not be renewed—nor shall any subject be reconsidered a second time, without the consent of the Convention.

RULE 21st. The preceding Rules shall be observed in a Committee of the Whole, so far as they are applicable, except that part of the 19th Rule which restricts members from speaking more than twice on the same subject.

RULE 22d. The President may admit such and as many Editors and Reporters within the bar of the House, as he may deem proper.

Mr Fowler moved to amend the preceding Rules, by inserting the following after the 22d Rule—"23. Any member of the Convention may, in cases where the ayes and noes are not spread upon the Journal, have the privilege of recording upon the Journal his reasons for voting for or against any particular measure"—which was rejected.

On motion of Mr Farrelly, the Convention proceeded to the election of a Printer. Mr Fowler moved that the vote be taken *viva voce*. Mr Farrelly nominated Mr Pike, and Mr Manly nominated Mr Woodruff.

The Secretary having called the roll, there appeared—

For Albert Pike,.....27 votes.
" *Wm. E. Woodruff*,.....23 "

Those who voted for Mr Pike, were—

Messrs Bates, Biscoe, Clark of Chicot, Clarke of Johnson, Cummins, Calvert, Drennen, Davis, Fowler, Ferebee, Farrelly, Kelly, Lacy, Lee, McLain, McKean, May, Murray, Menefee, Ringgold, Royston, Scott, Saunders, Walker of Hempstead, Wilson of Lafayette, Wright, and Mr President—27.

Those who voted for Mr Woodruff, were—

Messrs Adams, Brown, Bean, Ball, Boon, Conway, Drew, Dickinson, Elliott, King, Lowe, Lafferty, Martin, Marshall, Manly, McCamy, Roane, Robinson, Strong, Smith, Slavens, Walker of Washington, and Whinnery—23.

Whereupon Albert Pike, Editor of the Arkansas Advocate, was declared duly elected Printer to the Convention.

On motion of Mr Brown, one hundred copies of the Rules were ordered to be printed.

Mr Manly submitted the following Resolution, which was adopted:

Resolved, That a Committee of seven be appointed on Miscellaneous subjects.

The following Resolution, introduced by Mr Fowler, was rejected:

Resolved, That this Convention be opened with prayer, every morning, at its meeting, and that the Rev. James W. Moore, Wm. W. Stevenson, and such other respectable ministers of the gospel as may be in, or visit Little Rock, be invited to attend regularly for that purpose, during its session.

Mr Walker of Washington submitted the following Resolution, which was agreed to:

Resolved, That a Committee of seven members be appointed to prepare and report a Declaration of Rights for the inhabitants of the future State of Arkansas, by Resolution or otherwise.

The following Resolution, introduced by Mr Brown, was adopted:

Resolved, That a Committee be appointed on Boundaries.

Mr Ball submitted the following Resolution, which, on motion of Mr Farrelly, was laid on the table:

Resolved, That a Committee, to consist of five members, be appointed, to prepare an Ordinance or Compact, to be submitted to the Congress of the United States, with the Constitution of the State of Arkansas.

The following Resolution, submitted by Mr Conway, was adopted:

Resolved, That the regular hour for the meeting of this Convention be 11 o'clock.

And, on motion of Mr Murray, the Convention adjourned, to meet at the Presbyterian Church.

Thursday, Jan. 7, 1836.

The Convention met pursuant to adjournment.

The President announced the following Standing Committees:

On the Executive—Messrs Conway, Roane, Whinnery, Ball, Murray, Smith, and Walker of Hempstead.

On the Judiciary—Messrs Scott, Royston, Dickenson, Adams, Fowler, Biscoe, Marshall, McCamy, and Drew,

Legislative—Messrs Bates, Lacy, McKean, Bean, Clark of Chicot, Ringgold, Farrelly, Lafferty, Saunders, King, and Cummins.

On Revenue—Messrs Davies, McLain, Walker of Washington, Robinson, Calvert, Strong, Clarke of Johnson, May, and Wilson of Lafayette.

On Boundaries—Messrs Brown, Boon, Drennen, Wright, Strong, Kelly, and Menefee.

To draft a Bill of Rights—Messrs Walker of Washington, Lee, Ferebee, Lowe, Martin, Slavens, and Royston.

On Miscellaneous Subjects—Messrs Manly, McCamy, Elliott, Davies, Bean, May, and Martin.

On motion of Mr Farrelly, the Resolution offered by Mr Ball on yesterday, and laid upon the table, to raise a Committee of five to prepare an Ordinance or Compact, was taken up and adopted—and Messrs Ball, Roane, Kelly, Biscoe and Brown were appinted said Committee.

On motion of Mr Lacy, the Convention adjourned.

Friday, Jan. 8, 1836.

The Convention met, pursuant to adjournment.

Mr Conway, from the Committee on the Executive, made the following Report:

The Committee on the Executive Department of the Government of the State of Arkansas, beg leave to submit to this Convention the following Report, to wit:

Resolved, That the Supreme Executive power of this State shall be vested in a Chief Magistrate, who shall be styled, The Governor of the State of Arkansas.

The Governor shall be elected by the qualified electors, at the time and places when they shall respectively vote for Representatives.

The returns of every election for Governor shall be sealed up, and transmitted to the Seat of Government, directed to the Speaker of the House of Representatives, who shall, during the first week of the session, open and publish them in the presence of both Houses of the General Assembly. The person having the highest number of votes, shall be Governor, but if two or more shall be equal and highest in votes, one of them shall be chosen Governor by the joint vote of both Houses. Contested elections for Governor shall be determined by both Houses of the General Assembly, in such manner as shall be prescribed by law.

The Governor shall hold his office for the term of four years from the time of his installation, and until his successor shall be duly qualified, but shall not be eligible for more than four years, in any term of eight years. He shall be at least thirty years of age, a native citizen of the United States, or a citizen at the adoption of the Constitution of the United States, or an inhabitant of that part of Louisiana now included in the State of Arkansas, at the time of the cession thereof from France to the United States—and shall have been a resident of the same at least four years next before his election.

He shall, at stated times, receive a compensation for his services, which shall not be increased or diminished, during the Term for which he shall have been elected.

He shall be Commander-in-chief of the Army of this State, and of the Militia thereof, except when they shall be called into the service of the United States: And when acting in the service of the United States, the General Assembly shall fix his rank.

He may require information in writing, from the officers of the Executive Department, on any subject relating to the duties of their respective offices.

He may, by Proclamation, on extraordinary occasions, convene the General Assembly, at the seat of government, or at a different place, if that shall have shall have become, since their last adjournment, dangerous from an enemy, or from contagious diseases. In case of disagreement between the two Houses, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper, not beyond the day of the next meeting of the General Assembly.

He shall, from time to time, give to the General Assembly information of the state of the Government, and recommend to their consideration such measures as he may deem expedient.

He shall take care that the laws be faithfully executed.

In all criminal and penal cases, except in those of treason and impeachment, he shall have power to grant pardons, and remit fines and forfeitures, under such rules and regulations as shall be prescribed by law. In cases of treason he shall have power, by and with the advice and consent of the Senate, to grant reprieves and pardons—and he may, in the recess of the Senate, respite the sentence until the end of the next session of the General Assembly.

There shall be a seal of this State, which shall be kept by the Governor, and used by him officially—and the present seal of the Territory shall be the seal of the State, until otherwise directed by the General Assembly.

All commissions shall be in the name, and by the authority of, the State of Arkansas, be sealed with the seal of the State, signed by the Governor, and attested by the Secretary of State.

There shall be a Secretary of State elected by a joint vote of both Houses of the General Assembly, who shall continue in office during the term of four years. He shall keep a fair register of all the official acts and proceedings of the Governor, and shall, when required, lay the same, and all papers, minutes and vouchers relative thereto, before the General Assembly; and shall perform such other duties as may be required by law.

Vacancies that may happen, in the offices the election to which is vested in the General Assembly, shall be filled by the Governor, during the recess of the General Assembly, by granting commissions, which shall expire at the end of the next session.

Every bill which shall have passed both Houses, shall be presented to the Governor. If he approve, he shall sign it—but if he shall not approve it, he shall return it, with his objections, to the House in which it shall have originated—who shall enter his objections at large upon their journals, and proceed to reconsider it. If, after such reconsideration, a majority of the whole number elected to that House, shall agree to pass the bill, it shall be sent with the objections, to the other House, by which, likewise, it shall be reconsidered, and if approved by a majority of the whole number elected to that House, it shall be a law. But in such cases the vote of both Houses shall be determined by yeas and nays, and the names of the persons voting for or against the bill, shall be entered on the Journals of each House, respectively. If any bill shall not be returned by the Governor within three days, Sundays excepted, after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the General Assembly, by their adjournment, prevent its return, in which case it shall not be a law.

Every order or resolution, to which the concurrence of both Houses may be necessary, except on questions of adjournment, shall be presented to the Governor, and before it shall take effect, be approved by him, or being disapproved, shall be re-passed by both Houses, according to the rules and limitations prescribed in the case of a bill.

In case of the impeachment of the Governor, his removal from office, death, refusal to qualify, resignation, or absence from the State, the President of the Senate shall exercise all the authority appertaining to the office of Governor, until the time pointed out by this Constitution for the election of Governor shall arrive, unless the General Assembly fill such vacancy; or until the Governor, absent or impeached, shall return or be acquitted.

If, during the vacancy of the office of Governor, the President of the Senate shall be impeached, removed from office, refuse to qualify, resign, die, or be absent from the State, the Speaker of the House of Representatives shall in like manner administer the government.

The President of the Senate and Speaker of the House of Representatives, during the time they respectively administer the government, shall receive the same compensation which the Governor would have received, had he been employed in the duties of his office.

The Governor shall always reside, during the session of the General Assembly, at the place where their session may be held, and at all other times, wherever in their opinion the public good may require.

No person shall hold the office of Governor, and any other office or commission, civil or military, either in this State, or under any State or the United States or any other Power, at one and the same time.

A Sheriff shall be elected in each County, by the qualified electors thereof, who shall hold his office for the term of two years, unless sooner removed, and who shall not be eligible to serve, either as principal or deputy, for the two succeeding years. Should a vacancy occur, subsequent to an election, it shall be filled by the Governor, as in other cases, and the person so appointed shall continue in office until the next general election, when such vacancy shall be filled by the qualified electors: and the Sheriff then elected shall continue in office for two years.

A Coroner shall be elected in each County, by the qualified voters thereof, and hold his office for the term of two years, unless sooner removed.

Mr Smith moved that the Report be laid upon the table until Monday next, and made the order of the day, in Committee of the Whole, for that day, and that one hundred copies be printed for the use of the members.

Mr Fowler submitted the following Resolution, which was agreed to:

Resolved, That a standing Committee on the Militia be appointed, consisting of five members.

Mr Marshall introduced the following Resolution, which was adopted:

Resolved, That a Committee to consist of nine members, be appointed to draft a Schedule to the Constitution for the future State of Arkansas.

The following Resolution, introduced by Mr Ball, was adopted:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of abolishing imprisonment for debt within the State of Arkansas.

Mr Royston moved to adjourn until to-morrow.

Mr McCamy moved to amend the motion of Mr Royston, by inserting 'Monday' in lieu of 'to morrow', which was accepted—upon which motion Mr Manly called for the ayes and noes, which stood as follows, to wit:

YEAS—Messrs Ball, Bates, Biscoe, Conway, Cummins, Davies, Drennen, Elliott, Farrelly, Ferebee, Lacy, Lee, McCamy, May, Murray, Ringgold, Roane, Scott, Wilson of Lafayette, and Whinnery—20.

NAYS—Messrs Adams, Bean, Boon, Brown, Calvert, Clark of Chicot, Clarke of Johnson, Dickenson, Drew, Fowler, Kelly, King, Lafferty, Lowe, McLain, Manly, Marshall, Martin, Menefee, McKean, Robinson, Royston, Slavens, Smith, Strong, Walker of Washington, Walker of Hempstead, Wright, and Mr President—29.

So the motion was lost.

And then, on motion of Mr Smith, the Convention adjourned.

Saturday, Jan. 9, 1836.

The Convention met, pursuant to adjournment.

Mr Scott, from the Committee on the Judiciary, made the following Report:

The Committee on the Judiciary have had under consideration and gone through the same, and report, as a part of the proposed Constitution, the following Article on that subject, to wit:

ARTICLE.

SECTION 1. The Judicial power of this State shall be vested in one Supreme Court, in Circuit Courts, in such Inferior Courts as the Legislature shall from time to time ordain and establish, and in Justices of the Peace. The Legislature may also vest such jurisdiction as may be deemed necessary, in Corporation Courts.

SECTION 2. The Supreme Court shall be composed of three Judges, any two of whom shall constitute a quorum, and the concurrence of two of said Judges shall in every case be necessary to a decision. The Supreme Court, except in cases otherwise directed by this Constitution, shall have appellate jurisdiction only, which shall be co-extensive with the State, under such restrictions and regulations as may from time to time be prescribed by law. It

shall have a general superintending control over all inferior and other Courts of Law and Equity. It shall have power to issue writs of error and supersedeas, of certiorari and habeas corpus, mandamus and quo warranto, and other remedial writs; and to hear and determine the same. Said Judges shall be conservators of the peace throughout the State, and shall severally have power to issue any of the aforesaid writs.

SECTION 3. The Circuit Court shall have original jurisdiction over all criminal cases, which shall not be otherwise provided for by law, and exclusive original jurisdiction of all crimes amounting to felony at the Common Law, and original jurisdiction of all civil cases which shall not be cognizable before Justices of the Peace, until otherwise directed by the Legislature, and original jurisdiction in all matters of contract, where the sum in controversy amounts to fifty dollars. It shall hold its terms in such place, in each County, as may by law be directed.

SECTION 4. The State shall be divided into convenient Circuits, each to consist of not less than five, nor more than seven Counties, contiguous to each other, for each of which a Judge shall be elected, who, during his continuance in office, shall reside, and be a conservator of the Peace within the Circuit for which he shall have been elected.

SECTION 5. The Circuit Courts shall exercise a superintending control over all such inferior tribunals as the Legislature may establish, and over Justices of the Peace, in each County in their respective Circuits, and shall have power to issue all the necessary writs to carry into effect its general and specific powers.

SECTION 6. Until the Legislature shall deem it expedient to establish Courts of Chancery, the Circuit Courts shall have jurisdiction in matters of Equity, subject to appeal to the Supreme Court, in such manner as may be prescribed by law.

SECTION 7. The Legislature shall, by joint vote of both Houses, elect all Judges of the Supreme, Circuit, and Inferior Courts, if any such be established—a majority of the whole number in joint vote being necessary to a choice. The Judges of the Supreme Court shall be at least thirty years of age, and shall be elected for the term of six years from the date of their commission. The Judges of the Circuit Court shall be at least twenty five years of age, and shall be elected for the term of four years from the date of their commission. The Supreme Court shall appoint its Clerk, for the term of four years. The qualified voters of each County, over the age of twenty one years, shall elect a Clerk of the Circuit Court, for their respective Counties, who shall hold his office for the term of two years: And Courts of Chancery, if any be established, shall appoint their own Clerks.

SECTION 8. The Judges of the Supreme, Circuit, and other inferior Courts shall, at stated times, receive a compensation for their services, to be ascertained by law, which shall not be diminished during the time for which they were elected. They shall not be allowed any fees or perquisites of office, nor hold any other office of trust or profit, under this State or the United States.

SECTION 9. No Judge shall preside on the trial of any cause in the event of which he may be interested, or where either of the parties shall be connected with him by affinity or consanguinity, within such degrees as may be prescribed by law, or in which he may have been of counsel, or have presided in any inferior Court, except by consent of all the parties. In case all or any of the Judges of the Supreme Court shall be thus disqualified from presiding on any cause or causes, the Court, or Judges thereof shall certify the same to the Governor of the State, and he shall immediately commission specially the requisite number of men of law knowledge, for the trial and determination thereof. The same course shall be pursued in the Circuit and other inferior Courts, as

prescribed in this Section for cases in the Supreme Court. Judges of the Circuit Courts may temporarily exchange Circuits, or hold Courts for each other, under such regulations as may be pointed out by law. Judges shall not charge Juries with respect to matters of fact, but may state the testimony and declare the law.

SECTION 10. The Legislature shall by a joint vote of both Houses, elect an Attorney for the State, for each Circuit established by law, who shall continue in office four years, and reside within the Circuit for which he was elected, during his continuance in office. In all cases where an Attorney for the State, of any Circuit, fails to attend and prosecute according to law, the Court shall have power to appoint an Attorney *pro tempore*. The Attorney for the Circuit in which the Supreme Court may hold its terms, shall attend the Supreme Court, and prosecute for the State.

SECTION 11. All writs and other process shall run in the name of "The State of Arkansas," and bear teste and be signed by the Clerks of the respective Courts from which they issue. Indictments shall conclude, "Against the peace and dignity of the State of Arkansas."

SECTION 12. The qualified voters residing in each Township shall elect the Justices of the Peace for their respective Townships. For every fifty voters there shall be elected one Justice of the Peace; Provided, That each Township, however small, shall have two Justices of the Peace. Justices of the Peace shall be elected for the term of two years, and shall be commissioned by the Governor, and reside in the Township for which they were elected, during their continuance in office. They shall have individually, or two or more of them jointly, exclusive original jurisdiction in all matters of contract, except in actions of covenant, where the sum in controversy is under fifty dollars, and concurrent original jurisdiction with the Circuit Court, in actions of debt, in all sums from fifty to one hundred dollars, inclusive. Justices of the Peace shall in no case have jurisdiction to try and determine any criminal case, or penal offence against the State, but may sit as examining Courts, and commit, discharge, or recognize to the Court having jurisdiction, for farther trial, offenders against the Peace. For the foregoing purposes, they shall have power to issue all necessary process. They shall also have power to bind to keep the peace, or for good behavior.

SECTION 13. The qualified voters of each Township shall elect one Constable for the Term of two years, who shall, during his continuance in office, reside in the Township for which he was elected. Incorporated Towns may have a separate Constable and a separate magistracy.

SECTION 14. The qualified voters shall elect one Sheriff and one Coroner, for the term of two years. They shall be commissioned by the Governor, reside in their respective Counties during their continuance in office, and be disqualified for the office a second term, if it should appear that they or either of them are in default for any moneys collected by virtue of their respective offices.

Mr Cummins submitted the following Resolution, which was agreed to.

Resolved, That two hundred copies of the Report from the Committee on the Judiciary be printed, for the use of the Convention.

Mr Fowler moved to refer said Report to a Committee of the Whole, and make it the order of the day for Monday next. Mr Roane moved to amend the latter motion, by striking out 'Monday,' and inserting in lieu thereof the word 'Tuesday,' which was agreed to: And the motion was then adopted.

Mr Brown, from the Committee on Boundaries, made the following Report:

The Standing Committee on Boundaries, to whom the subject of the boundaries of the future State of Arkansas has been referred, have, according to order, had the same under consideration, and a majority of said Committee have instructed me to make the following Report, that is to say;

Resolved by the members of the Convention to form the State of Arkansas, at Little Rock assembled, That

We the people of Arkansas, by our Representatives in Convention assembled, in order to establish justice, ensure tranquility, provide for our mutual defence, promote our common welfare, and secure to ourselves and our posterity the blessings of liberty—acknowledging with grateful hearts the goodness of the Sovereign Ruler of the Universe, in affording us an opportunity so favorable to the design, and imploring his aid and direction in its establishment, Do Agree to form ourselves into a free and Independent State, by the style and title of the State of Arkansas, and do ordain and establish the following Constitution for the government thereof.

ARTICLE 1.

OF BOUNDARIES.

We do declare and establish, ratify and confirm the following as the permanent boundaries of said State of Arkansas—that is to say; Beginning in the middle of the main channel of the Mississippi River, on the parallel of thirty six degrees north Latitude, running from thence, west with the said parallel of Latitude, to the St Francis River, thence up the middle of the main channel of said River, to the parallel of thirty six degrees thirty minutes north, from thence west, to the south-west corner of the State of Missouri, and from thence to be bounded on the west, to the north bank of Red River, as by Acts of Congress and Treaties heretofore defining the western limits of the Territory of Arkansas, and to be bounded on the south side of Red River by the Mexican boundary line, to the north-west corner of the State of Louisiana, and from thence east and with the Louisiana State line to the middle of the main channel of the Mississippi River, and from thence up the middle of the main channel of said River, to the the thirty sixth degree of north Latitude, the point of beginning.

Mr Brown moved to lay the Report on the table, and that two hundred copies be printed for the use of the members.

Mr Royston moved to amend said motion, by striking out 'two hundred,' and inserting in lieu thereof, 'one hundred,' which was agreed to, and the motion was then adopted.

Mr Davies, from the Committee on Revenue, made the following Report:

The Committee to whom was referred so much of the Constitution as relates to Revenue, after having the subject under consideration, beg leave to submit the following Report:

Resolved—1st—That all Revenue shall be raised by taxation, to be fixed by law.

2d—That all property subject to taxation, shall be taxed according to its value—that value to be ascertained in such manner as the Legislature shall direct—making the same equal and uniform throughout the State. No one species of property from which a tax may be collected, shall be taxed higher than another species of property of equal value. Provided, The Legislature shall have power to tax Merchants, Hawkers, Pedlars and Privileges, in such manner as may from time to time be prescribed by law—And Provided farther, That no other or greater amount of revenue shall at any time be levied, than required for the necessary expenses of the Government, unless by a concurrence of two-thirds of both Houses of the Legislature.

3d.—That no poll tax shall be assessed for other than County purposes.

4th.—That no other or greater tax shall be levied on the productions or labor of the country, than may be required for expenses of inspection.

On motion of Mr Walker, the Report was laid upon the table, and one hundred copies ordered to be printed.

The President announced the following Committees:

To draft a Schedule to the Constitution.—Messrs Marshall, Walker of

Hempstead, Lacy, Dickenson, Biscoe, McCamy, McLain, Wilson of Lafayette and Drew.

On the Militia.—Messrs Fowler, McKean, Clark of Chicot, Ringgold, and Whinnery.

On motion of Mr Manly, the Convention adjourned.

Monday, Jan. 11, 1836.

The Convention met, pursuant to adjournment.

Mr Walker of Washington, from the Committee to draft a Declaration of Rights, made the following Report:

The Committee to whom was referred the subject of preparing a Declaration of Rights for the future State of Arkansas, having had the same under consideration, respectfully submit the following Report;

DECLARATION OF RIGHTS.

That the great and essential principles of liberty and free government may be recognized and unalterably established, WE DECLARE:

1st. That all men are born equally free and independent, and have certain inherent and indefeasible rights, amongst which are those of enjoying and defending life and liberty, of acquiring, possessing, and protecting property and reputation, and of pursuing their own happiness.

2d. That all power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety, and happiness. For the advancement of these ends they have at all times an undeniable and indefeasible right to alter, reform or abolish their government, in such manner as they may think proper.

3d. That all men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences—and no man can of right be compelled to attend, erect or support any place of worship, or to maintain any ministry against his consent—that no human authority can, in any case whatever, interfere with the rights of conscience—and that no preference shall ever be given by law to any religious establishments or mode of worship.

4th. That the civil rights, privileges or capacities of any citizen shall in no wise be diminished or enlarged, an account of his religion.

5th. That all elections shall be free and equal.

6th. That the right of trial by Jury shall remain inviolate.

7th. That printing presses shall be free to every person who undertakes to examine the proceeding of the Legislature, or any branch of government—and no law shall ever be made to restrain the rights thereof. The free communication of thoughts and opinions is one of the invaluable rights of man, and every citizen may freely speak, write and print on any subject, being responsible for the abuse of that liberty.

8th. In prosecutions for the publication of papers investigating the official conduct of officers or men in public capacity, or where the matter published is proper for public information, the truth thereof may be given in evidence; and in all indictments for libels, the Jury shall have the right to determine the law and the facts, under the direction of the Courts.

9th. That the people shall be secure in their persons, houses, papers and possessions, from unreasonable searches and seizures; and that no general warrants, whereby any officer may be commanded to search suspected places, without evidence of the fact committed, or to seize any person or persons not named, whose offences are not particularly described, and supported by evidence, are dangerous to liberty, and ought not to be granted.

10th. That no freeman shall be taken or imprisoned, or disseised of his freehold, liberties or privileges, or outlawed or exiled, or in any manner destroyed, or deprived of his life, liberty or property, but by the judgment of his peers or the law of the land.

11th. That in all criminal prosecutions, the accused hath a right to be heard by himself and counsel, to demand the nature and cause of the accusation against him, and to have a copy thereof; to meet the witnesses face to face; to have compulsory process for obtaining witnesses in his favor; and in prosecutions by indictment or presentment, a speedy public trial by an impartial Jury of the county or district in which the crime shall have been committed, and shall not be compelled to give evidence against himself.

12th. That no person shall, for the same offence, be twice put in jeopardy of life or limb.

13th. That all penalties shall be reasonable, and proportioned to the nature of the offence—the true design of all punishment being to reform, not to exterminate mankind.

14th. That no man shall be put to answer any criminal charge, but by presentment, indictment, or impeachment.

15th. That no conviction shall work corruption of blood or forfeiture of estate. The estates of persons who destroy their own lives or are killed by casualty, shall descend or vest as in case of natural death.

16th. That all prisoners shall be bailable by sufficient securities, unless for capital offences, where an indictment has been found, or where the proof is evident or the presumption strong: And the privilege of *Habeas Corpus* shall not be suspended, unless where, in case of rebellion or invasion, the public safety may require it.

17th. That excessive bail shall in no case be required, nor excessive fines imposed.

18th. That no *ex post facto* law, nor any law impairing contracts, shall ever be made.

19th. That perpetuities and monopolies are contrary to the genius of a free State, and shall not be allowed, nor shall any hereditary emoluments, privileges or honors, ever be granted or conferred in this State.

20th. That the citizens have a right, in a peaceable manner, to assemble together for their common good, to instruct their Representatives, and to apply to those invested with the powers of government, for redress of grievances, or other proper purposes, by address or remonstrance.

21st. That the free white men of this State shall have a right to keep and to bear arms, for their common defence.

22d. That no soldier shall, in time of peace, be quartered in any house, without the consent of the owner—nor in time of war, but in a manner prescribed by law.

23d. The military shall, in all cases and at all times, be kept in strict subordination to the civil power.

24th. This enumeration of rights shall not be construed to deny or disparage others retained by the people—and to guard against any encroachments on the rights herein retained, or any transgression of any of the higher powers herein delegated—WE DECLARE that every thing in this Article is excepted out of the general powers of government, and shall for ever remain inviolate, and that all laws contrary thereto, or to the other provisions herein contained, shall be void.

On motion of Mr Walker of Hempstead, the Report was laid on the table, and one hundred copies ordered to be printed.

Mr Conway, from the Committee on the Executive, made the following Report:

The Committee on the Executive Department of the State of Arkansas, beg leave to report the following Resolution, to wit:

Resolved, That there shall be elected, by the joint vote of both Houses of the General Assembly, an Auditor and Treasurer for this State, who shall hold their offices for the term of two years, unless sooner removed, and shall keep

their respective offices at the Seat of Government, and perform such duties as shall be prescribed by law. And in case of vacancy by death, resignation or otherwise, such vacancy shall be filled by the Governor as in other cases.

On motion of Mr Walker of Washington, the Report was laid on the table, and one hundred copies ordered to be printed.

Mr Lacy submitted the following Resolution:

Resolved, That the Secretary be authorised to purchase a map of Arkansas, for the use of the Convention.

The question being on the adoption of said Resolution, it was rejected.

Mr Roane, who voted in the majority, moved to reconsider his vote, which was agreed to—and, on the question, 'shall the Resolution be adopted!'

Mr Murray called for the yeas and nays, which stood as follows;

YEAS—Messrs Ball, Biscoe, Brown, Calvert, Clark of Chicot, Clarke of Johnson, Conway, Cummins, Davies, Elliott, Farrelly, Ferebee, Kelly, Lacy, Lee, Manly, May, McKean, McLain, Roane, Scott, Strong, Walker of Hempstead, Wilson of Lafayette, Wright and Mr Speaker—26.

NAYS—Messrs Adams, Bean, Boon, Dickenson, Drennen, Drew, Fowler, King, Lafferty, Lowe, Marshall, Martin, McCamy, Menefee, Murray, Ringgold, Robinson, Royston, Saunders, Slavens, Smith, Walker of Washington, and Whinnery—23.

So the Resolution was adopted.

Mr Smith moved to take up the orders of the day, which motion was lost.

And, on motion of Mr Murray, the Convention adjourned.

Tuesday, Jan. 12, 1836.

The Convention met, pursuant to adjournment.

Mr Manly, from the Committee on Miscellaneous subjects, made a Report, and Mr Davies, from the same Committee, submitted a counter Report—both of which, on motion of Mr Bates, were recommitted to the same Committee.

Mr Scott, from the Committee on the Judiciary, made the following Report:

The Standing Committee on the Judiciary, who have been instructed to inquire into the expediency of abolishing imprisonment for debt, according to order, have had the same under consideration, and gone through the subject, and ask leave to Report

That they deem it inexpedient for this Convention, in forming a fundamental law of the land, either wholly to abolish imprisonment for debt, or to leave the subject entirely open for future action. It is the opinion of your Committee, that, without fraud on the part of the debtor, he should not be incarcerated, after he had made a surrender of his estate for the benefit of his creditors—and, that to say, that no debtor should be imprisoned, whether his conduct was influenced by honesty or fraud, would be leaving a door too wide open for the crafty and unprincipled. They therefore recommend the insertion of a clause in the Bill of Rights of the State of Arkansas, to the effect following—and ask to be discharged from the further consideration of the subject.

Resolved, That the person of a debtor, except where there is strong presumption of fraud, shall neither be imprisoned nor continued in prison, after delivering up his estate for the benefit of his creditors, in such manner as may be prescribed by law.

Mr Ball moved to lay the Report on the table, and that one hundred copies be printed.

On motion of Mr Walker of Washington, the orders of the day were taken up.

On motion of Mr Whinnery, the Convention resolved itself into a Committee of the Whole, on the Report of the Committee on the Executive, Mr Bates in the Chair—and after some time spent therein, the Committee rose, reported progress, and asked leave to sit again to-morrow.

And, on motion of Mr Walker of Hempstead, the Convention adjourned.

Wednesday, Jan. 13, 1836.

The Convention met, pursuant to adjournment.

Mr Murray submitted the folloying Resolutton, which was adopted:

Resolved, That a Committee of five be appointed, to take into consideration the subject of Banking, and report thereon.

And Messrs Murray, Davies, Roane, Biscoe and McCamy were appointed said Committee.

The following Resolution, introduced by Mr Fowler, was rejected.

Resolved, That the Standing Committee on the Legislative Department be instructed to inpuire into the expediency of locating permanently the Seat of the State Government at Little Rock, and to report thereon.

Mr Calvert introduced the following Resolution, which was adopted:

Resolved, That leave be granted to John D. Calvert to withdraw the papers in the contested election of the member from Crittenden County.

Mr Roane moved that the Secretary deposit in the Sedretary's office of this Territory, the papers in the contested election of the member from Van Buren County.—Agreed to.

On motion of Mr Walker of Washington, the orders of the day were taken up—and,

On motion of Mr Walker of Washington, the Convention then resolved itself into a Committee of the Whole, on the Report of the Committee on the Executive—Mr Bates in the Chair—and after some time spent therein, the Commirtee rose, and reported the same with amendments—and,

On motion, the Report, as amended, was laid on the table.

Mr Fowler moved that the Convention resolve itself into a Committee of the Whole, on the Report of the Committee on the Judiciary—which motion was lost.

Mr Brown moved to take up the Report of the Committee on Boundaries—which was negatived.

Mr Scott moved to adjourn—which was lost.

Oh motion of Mr Strong, the Convention resolved itself into a Committee of the Whole, on the Report of the Committee on Revenue—Mr Roane in the Chair—and, after some time spent therein, the Committee rose, and reported the same without amendment—and, on motion of Mr Ball, the Report was laid on the table.

Mr Lee then moved that the Convention adjourn—which was agreed to.

Thursday, Jan. 14, 1836.

The Convention met, pursuant to adjournment.

Mr Ball, from the Committee to draft an Ordinance or Compact, made the following Report:

The Committee to whom was referred the subject of drafting an Ordinance or Compact, to be submitted to the Congress of the United States with the Constitution of the State of Arkansas, have hac the same under consideration, and ask leave to report the following Ordinance, tn wit:

ORDINANCE.

Be it ordained by the Codvention, assembled to form a Constitution and system of Government for the people of the State of Arkansas, in behalf, and by the authority of, the People of said State, That the following propositions be submitted to the Congress of the United States, which, if assented to by that body, shall be obligatory and binding on the State of Arkansas.

Sec. 1. Section number sixteen, in every township of the public lands, and, where such Section has been sold or otherwise disposed of, other lands equivalent thereto, and as contiguous as may be, shall be granted to the State for the use of schools.

Sec. 2. All salt springs within the State, and one entire township of the

public lands including the same, shall be granted to the State for the use thereof; and the same to be so used and disposed of, under such terms, conditions and regulations, as the General Assembly shall direct.

Sec. 3. The seventy two sections of land heretofore granted by the United States, and reserved, or to be reserved, by the Secretary of the Treasury, for the use of a Seminary of learning, shall be vested in the General Assembly of the State, to be appropriated *solely* to the use of a Seminary of learning by the said General Assembly.'

Sec. 4. Five per centum of the nett proceeds of the sale of public lands lying within said State, and which shall be sold by the United States, from and after the —— day of ——— next, after deducting all expenses incident to the same, shall be reserved for the purposes following, to wit: Four fifths to be disbursed within the State, under the direction of the General Assembly of the State, for roads and canals, and one fifth for the encouragement of learning.

Sec. 5. A quantity of land, equal to one township, to be located under the direction of the General Assembly of the State, according to any of the legal subdivisions of the public lands, shall be granted to the said State, to be applied to the erection or completion of a State House, and such other buildings as, in the discretion of the General Assembly, the public good may require.

Sec. 6. number of sections of the unappropriated public lands lying within this State, shall be designated under the direction of the General Assembly, and granted to the State, for the purposes of internal improvements.

Sec. 7. All that section of country lying west of the western boundary of the State of Arkansas, which was formerly a part of the Territory of Arkansas, under the provisions of an Act of Congress, approved the 23d of May, 1824, and which was ceded by the United States to the Choctaw and Cherokee Indians, whenever the Indian title shall be extinguished to the same, shall be attached to, and form a part of, the State of Arkansas—and when the said Indian title shall be extinguished, the western boundary of the said State shall be in accordance with the provisions of the said Act of Congress.

Sec. 8. The people of the State of Arkansas shall never interfere with the primary disposal of the public lands within the said State, nor shall they levy a tax on any of the lands of the United States within the said State.

Sec. 9. The roads commenced in this State, for the construction of which, appropriations have been made by Congress, shall be completed and put in repair at the expense of the United States.

Sec. 10. All the public lands within the State of Arkansas, which have been offered for sale five years and upwards, the title to which is in the United States, shall be ceded to the State of Arkansas, for such purpose as the General Assembly may deem proper.

Sec. 11. The Delegate in Congress from the Territory of Arkansas is hereby authorized and impowered to make or assent to such other propositions, or such variations of the propositions herein made, as the interest of the State may require; and any such changes or new propositions, when approved by the General Assembly, shall be as obligatory as if the assent of this Convention were given thereto; and all stipulations entered into by the General Assembly with the United States, shall be considered articles of compact between the United States and the State of Arkansas.

Mr Walker of Washington moved that the Repor- be laid on the table, and that one hundred copies be printed.

Mr Murray moved to amend the latter motion, by inserting 'two hundred,' in lieu of 'one hundred,'—which was negatived—and then the motion of Mr Walker was adopted.

Mr Menefee submitted the following Resolution:

Resolved, That the regular hour of meeting of this House be changed from 11 to 10 o'clock.

Mr Smith moved to amend said Resolution, by inserting '9,' in lieu of '11' o'clock.

Mr Conway moved to amend the latter motion, by substituting 'half past nine,' in lieu of '9' o'clock—both of which motions were lost—and then

The Resolution was adopted.

Mr Calvert proposed the following Resolution, which was laid on the table:

Resolved, That a Committee be appointed, to consist of eleven members, to take into consideration the propriety of permanently locating the Seat of Government of the State of Arkansas at some convenient point on the Mississippi River.

On motion of Mr Ringgold, the orders of the day were taken up.

Mr Menefee moved to take up the Report of the Committee on Boundaries, and that it be made the order of this day—which was agreed to. Whereupon the Convention then resolved itself into a Committee of the Whole on said Report—Mr Ringgold in the chair—and, after some time spent therein, the Committee rose, reported progress, and asked leave to sit again to-morrow.

On motion of Mr Walker of Washington, the Report of the Committee on the Judiciary was taken up, and made the order of this day. Whereupon the Convention resolved itself into a Committee of the Whole on said Report—Mr Farrelly in the Chair—and, after some time spent therein, the Committee rose, reported progress, and asked leave to sit again to-morrow.

And, on motion of Mr Davies, the Convention adjourned.

Friday, Jan. 15, 1836.

The Convention met, pursuant to adjournment.

On motion of Mr Scott, the orders of the day were taken up.

Whereupon the Convention resolved itself into a Committee of the Whole, on the Report of the Committee on Boundaries—Mr Ringgold in the chair—and, after some time spent therein, the Committee rose, reported progress, and asked leave to sit again to-morrow.

On motion of Mr Walker of Hempstead, the Report of the Committee on the Executive was taken up.

Mr Farrelly moved to amend the amendment of the Committee of the Whole, by striking out 'four,' in the first line of the fourth Section, and inserting in lieu thereof, the word 'two'—and to strike out 'eight' and 'twelve,' in the second line of said section, and inserting 'six' and 'eight'.

Mr Walker of Hempstead moved to amend the latter motion, by inserting 'four,' and 'six,' years, in lieu of 'six' and 'eight'. Mr Farrelly insisted on his motion, which was decided out of order, by the Chair. Mr Farrelly then appealed to the Convention, which sustained the decision of the Chair.

Whereupon, Mr Scott, who voted in the majority, moved to reconsider his vote, which was agreed to.

Mr Farrelly then renewed his motion, and the yeas and nays being required, stood as follows:

YEAS—Messrs Bates, Bean, Boon, Drew, Farrelly, King, Lafferty, Martin, McKean, McLain, Menefee, Murray, Ringgold, Roane, Robinson, Royston, Saunders, Slavens, Smith, and Wilson of Lafayette—20.

NAYS—Messrs Adams, Ball, Biscoe, Brown, Calvert, Clark of Chicot, Clarke of Johnson, Conway, Cummins, Davies, Dickenson, Drennen, Elliott, Ferebee, Fowler, Kelly, Lacy, Lee, Lowe, Manly, Marshall, May, McCamy, Scott, Strong, Walker of Hempstead, Walker of Washington, Whinnery, Wright, and Mr President—30.

So the motion was lost.

Mr Walker of Hempstead moved to amend the amendment of the Committee of the Whole, by striking out 'eight,' in the second line of the fourth Section, and inserting 'four'—whereupon the yeas and nays being called for, stood,

YEAS—Messrs Ball, Biscoe, Boon, Clarke of Johnson, Conway, Elliott, Farrelly, Fowler, Kelly, McLain, Menefee, Roane, Robinson, Royston, Slavens, Smith, Walker of Hempstead, and Wilson of Lafayette—18.

NAYS—Messrs Adams, Bates, Bean, Brown, Calvert, Clark of Chicot, Cummins, Davies, Dickenson, Drennen, Drew, Ferebee, King, Lacy, Lafferty, Lee, Lowe, Manly, Marshall, Martin, May, McCamy, McKean, Murray, Ringgold, Saunders, Scott, Strong, Walker of Washington, Whinnery, Wright, and Mr President—32.

So the amendment was lost.

Mr Fowler moved to amend the amendment of the Committee of the Whole, as follows—In Section four, line one, strike out 'four,' and insert 'two'—in line two, strike out 'eight,' and insert 'four,' and strike out 'twelve,' and insert 'six'.

And the yeas and nays being called for, stood as follows:

YEAS—Messrs Bates, Bean, Boon, Drew, Farrelly, Fowler, King, Lafferty, Martin, McKean, McLain, Menefee, Murray, Roane, Robinson, Royston, Saunders, Slavens, Smith, Walker of Hempstead, Wilson of Lafayette, and Whinnery—22.

NAYS—Messrs Adams, Ball, Biscoe, Brown, Calvert, Clark of Chicot, Clarke of Johnson, Conway, Cummins, Davies, Dickenson, Drennen, Elliott, Ferebee, Kelly, Lacy, Lee, Lowe, Manly, Marshall, May, McCamy, Ringgold, Scott, Strong, Walker of Washington, Wright, and Mr President—28.

So the amendment was negatived.

Mr Manly proposed the following amendment—"Strike out the words 'a majority,' in the third line of the sixteenth Section."

Upon which the yeas and nays were required, and stood:

YEAS—Mesrs Ball, Bean, Boon, Brown, Calvert, Conway, Davies, Dickenson, Drennen, Elliott, Kelly, King, Lafferty, Lowe, Manly, Martin, McCamy, McKean, Roane, Robinson, Royston, Saunders, Slavens, Strong, and Mr President—25.

NAYS—Messrs Adams, Bates, Biscoe, Clark of Chicot, Clarke of Johnson, Cummins, Drew, Farrelly, Ferebee, Fowler, Lacy, Lee, Marshall, May, McLain, Menefee, Murray, Ringgold, Scott, Smith, Walker of Hempstead, Walker of Washington, Wilson of Lafayette, Whinnery, and Wright—25.

The amendment was therefore negatived.

Mr Murray proposed the following—"Strike out the words 'but shall not be eligible for more than eight years in any term of twelve years,' in the fourth paragraph."

Upon which the yeas and nays were required, and stood as follows:

YEAS—Messrs Bates, Biscoe, Fowler, Murray, and Scott—5.

NAYS—Messrs Adams, Ball, Bean, Boon, Brown, Calvert, Clark of Chicot, Clarke of Johnson, Conway, Cummins, Davies, Dickenson, Drennen, Drew, Elliott, Farrelly, Ferebee, Kelly, King, Lacy, Lafferty, Lee, Lowe, Manly, Marshall, Martin, May, McCamy, McKean, McLain, Menefee, Ringgold, Roane, Robinson, Royston, Saunders, Slavens, Smith, Strong, Walker of Hempstead, Walker of Washington, Wilson of Lafayette, Whinnery, Wright, and Mr President—45.

So the proposition was negatived.

Mr Fowler proposed the following amendment—"In fourth clause, first line, strike out all after the word 'qualified,' and insert in lieu thereof, the words 'but shall not be eligible for more than four years in any term of eight years'."

The Chair decided the motion to be out of order—and Mr Fowler appealed from the decision, and was sustained by the Convention. And the question then recurring on the adoption of the amendment, the yeas and nays were required, and stood as follows, to wit:

YEAS—Messrs Ball, Biscoe, Boon, Clarke of Johnson, Conway, Drew, Elliott, Farrelly, Fowler, McKean, McLean, Menefee, Roane, Robinson, Royston, Stevens, Smith, Walker of Hempstead, and Wilson of Lafayette—19.

NAYS—Messrs Adams, Bates, Bean, Brown, Calvert, Clark of Chicot, Cummins, Davies, Dickenson, Dremen, Forebee, Kelly, King, Lacy, Lafferty, Lee, Lowe, Manly, Marshall, Martin, May, McCamy, Murray, Ringgold, Saunders, Scott, Strong, Walker of Washington, Whinnery, Wright and Mr President—31.

So the proposed amendment was rejected.

Mr Whinnery moved to amend the fourth Section, by striking out 'four,' in the fourth line, and inserting 'one' in lieu thereof—which was lost.

Mr Walker of Hempstead offered the supplementary Report of the Committee on the Executive Department, as an amendment to the original Report of said Committee—which was adopted.

Mr Robinson proposed the following amendment—"Sec. 6, 2d line, after the word 'diseases,' insert, 'and shall state to them, when assembled, the purposes for which they shall have been convened—but they shall enter on no business except that for which they were specially called together'."

Which was lost.

Mr Manly moved to amend the supplementary Report, by inserting after the word 'law,' in the fourth line, first Section, the words 'in person,'—which was lost.

Mr Fowler moved to amend the original Report, by inserting the following, after the 20th Section:

"Whenever the office of Governor shall have become vacant, by death, resignation, removal from office, or otherwise—provided such vacancy shall not happen within eighteen months of the end of the term for which the late Governor shall have been elected—the President of the Senate, or Speaker of the House of Representatives, as the case may be, exercising the powers of Governor for the time being, shall immediately cause an election to be held, to fill such vacancy, giving, by proclamation, sixty days' previous notice thereof; which election shall be governed by the same rules prescribed for general elections of Governor, as far as applicable—the returns shall be made to the Secretary of State, who, in presence of the Acting Governor and the Judges of the Supreme Court, or one of them at least, shall compare them, and together with said Acting Governor and Judges, declare who is elected—and if there be a contested election, it shall be decided by the Judges of the Supreme Court, in manner to be prescribed by law."—Which was adopted.

Mr Walker of Hempstead moved tthat the Report be engrossed, and made the order of the day for Monday.

Mr Fowler moved to amend the latter motion, by striking out all after the word 'engrossed,'—which was agreed to—And then

The motion of Mr Walker was adopted.

On motion of Mr May, the Convention adjourned.

Saturday, Jan. 16, 1836.

The Convention met, pursuant to adjournment.

Mr Murray, from the Committee to whom was referred the subject of Banking, made the following Report:

The Committee to whom was referred the subject of Banking, have had the same under consideration, and beg leave to make the following Report:

The General Assembly may incorporate one State Bank, with such amount of capital as may be deemed necessary, and with such number of branches as may be required for the public convenience, which shall become the repository of the funds belonging to, or under the control of, the State, and shall be required to loan them out throughout the State, and in each County, in propor-

tion to representation—and they shall further have power to incorporate one other Banking Institution calculated to aid and promote the great agricultural interests of the country—and the faith and credit of the State may be pledged to raise the funds necessary to carry into operation the two Banks herein specified—Provided, such security can be given by the individual stockholders, as will guaranty the State against loss or injury.

Mr Menefee moved to lay the Report on the table, and print one hundred copies.

Mr Manly, from the Committee on Miscellaneous Subjects, made the following Report:

A majority of the Miscellaneous Committee have instructed me to report, that, under the first Report from that Committee, they reported upon those subjects alone, which come properly under their province—and that they have no amendment to offer this honorable body.

The Committee of this Convention, appointed to take under consideration those subjects which were to be included under the head of Miscellaneous provisions of the Constitution of the State of Arkansas, ask leave to report:

ARTICLE THE 1st.

1. The members of the General Assembly, and all officers, Executive and Judicial, before they enter on the duties of their respective offices, shall take the following oath, or affirmation, to wit: I solemnly swear, or affirm, (as the case may be,) that I will support the Constitution of the United States, and Constitution of the State of Arkansas, so long as I continue a citizen thereof, and that I will faithfully discharge to the best of my abilities, the duties of according to law; So HELP ME GOD!

2. Treason against the State shall consist only in levying war against it, or adhering to its enemies, giving them aid and comfort—no person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or his own confession in open Court.

3. The General Assembly shall pass such laws as they may deem necessary to suppress the evil practice of duelling.

4. Laws shall be made, to exclude from office and from suffrage, those who shall hereafter be convicted of bribery, perjury, forgery, or other high crimes and misdemeanors. The privilege of free suffrage shall be supported by laws regulating elections, and prohibiting by adequate penalties all undue influence thereon, from power, bribery, or by treating, tumult, or other improper conduct.

5. No person who denies the being of a God, or a future state of rewards and punishments, shall hold any office in the Civil Department of this State, or be allowed their oath in any Court.

6. Ministers of the Gospel, being by their profession dedicated to God and the care of souls, ought not to be diverted from the great duties of their functions; therefore, no minister of the Gospel or priest, of any denomination whatever, shall be eligible to the office of Governor, or to a seat in either branch of the General Assembly.

7. In all elections by the General Assembly, the members thereof shall vote *viva voce*, and the votes shall be entered on the Journals.

8. No money shall be drawn from the Treasury, but in consequence of an appropriation by law, nor shall any appropriations of money for the support of an army be made for a longer term than one year—and a regular statement and account of the receipts and expenditures of all public money shall be published with the promulgation of the laws.

9. It shall be the duty of the General Assembly to regulate by law the cases in which deductions shall be made from the salaries of public officers, for neglect of duty in their official capacities, and the amount of such deduction,

10. Absence on business of this State, or of the United States, or on a visit, or necessary private business, shall not cause a forfeiture of a residence once obtained.

11. No member of Congress, nor any person holding any office or trust under the United States, (the office of Postmaster excepted,) or either of them, or any foreign Power, shall hold or exercise any office of trust or profit under this State.

12. Divorces shall not be granted by the General Assembly—but the General Assembly may, by law, authorize the Circuit Courts to grant them, under such restrictions as they may deem expedient.

13. The General Assembly shall pass no act of incorporation, unless with the assent of at least two thirds of the General Assembly.

14. No Lottery shall be authorized by this State, nor shall the sale of Lottery tickets be allowed.

15. Internal improvement shall be encouraged by the government of this State, and it shall be the duty of the General Assembly, as soon as may be, to make provision by law for ascertaining the proper objects of improvement, in relation to roads, canals, and navigable waters; and it shall also be their duty to provide by law for an equal, systematic and economical application of the funds which may be appropriated to these objects.

16. Returns of all elections for officers who are to be commissioned by the Governor—and for members of the General Assembly, shall be made to the Secretary of State.

17. The Governor, Secretary of State, Treasurer and Auditor, shall reside and keep their offices at the Seat of Government.

18. No new County shall be established by the General Assembly, which shall reduce the County or Counties, or either of them, from which it shall be taken, to a less number than ———— free white population, nor to a less content than ——— hundred square miles—nor shall any new County be laid off, of less contents.

19. It shall be the duty of the General Assembly to pass such laws as may be necessary and proper to decide differences by arbitrators, to be appointed by the parties who may choose that summary mode of adjustment.

20. It shall be the duty of the General Assembly, as soon as circumstances will permit, to form a penal code, founded on principles of reformation, and not vindictive justice.

21. Within five years after the adoption of this Constitution, the laws, civil and criminal, shall be revised, digested and arranged, and promulgated in such manner as the General Assembly may direct—and a like revision, digest and promulgation shall be made within every subsequent period of———— years.

22. In the event of the annexation of any foreign territory to this State, by a cession from the United States, laws may be passed extending to the inhabitants of such territory all the rights and privileges which may be required by the terms of such cession—any thing in this Constitution to the contrary notwithstanding.

EDUCATION—2.

1. Knowledge and learning, generally diffused through a community, being essential to the preservation of a free government—and diffusing the opportunities and advantages of education theough the various parts of the State, being highly conducive to this end—it shall be the duty of the General Assembly to provide by law for the improvement of such lands as are, or hereafter may be, granted by the United States to this State for the use of schools, and to apply any funds which may be raised from such lands, or from any other source, to the accomplishment of the object for which they are, or may be,

intended. The General Assembly shall, from time to time, pass such laws as shall be calculated to encourage intellectual, scientific and agricultural improvement, by allowing rewards and immunities for the promotion and improvement of arts, science, commerce, manufactures and natural history, and countenance and encourage the principles of humanity, industry and morality.

SLAVERY — 3.

The General Assembly shall have no power to pass laws for the emancipation of slaves, without the consent of the owners, and without paying their owners, previous to such emancipation, a full equivalent in money for the slaves so emancipated. They shall have no power to prevent emigrants to this State from bringing with them such persons as are deemed slaves by the laws of any one of the United States. They shall have power to pass laws to permit the owners of slaves to emancipate them, saving the right of creditors, and preventing them from becoming a public charge—and provided, the owner or owners shall remove said slave, within ——— days, beyond the limits of this State—nor shall said slave be considered fully emancipated, until he shall be so removed—and such emancipation shall only continue during his residence beyond the limits of this State. They shall have full power to prevent slaves from being brought to this State as merchandize, and also to oblige the owners of slaves to treat them with humanity.

2. In the prosecution of slaves for crimes of a higher grade than petit larceny, the General Assembly shall have no power to deprive them of an impartial trial by a petit Jury.

3. Any person who shall maliciously dismember or deprive a slave of life, shall suffer such punishment as would be inflicted in case the like offence had been committed on a free white person, and on the like proof, except in case of insurrection of such slave.

Mr Davies, from the Minority of said Committee, presented the following Counter Report:

The Minority of the Miscellaneous Committee whose Report has just been read, differing widely with the Majority, as to the fifth Section of their Report, respectfully ask leave to offer the following:

1st. That no religious test shall ever be required as a qualification to any office of public trust under this State.

2d. That the testimony of no individual can be excluded by any authority or tribunal in this State, on account of his or her religious belief.

DAVIES, MARTIN, ELLIOTT,—*Minority Committee.*

Mr Farrelly moved that the Majority and Minority Reports of said Committee be laid on the table, and that one hundred copies of each be printed.

Mr Martin submitted the following Resolution, which was rejected:

Resolved, That the President appoint a Committee, to consist of nine members, to take under consideration the subject of instituting a Medical Board.

On motion of Mr Strong, the orders of the day were taken up.

On motion of Mr Walker of Hempstead, the Convention resolved itself into a Committee of the Whole, on the Report of the Committee of the Judiciary—Farrelly in the chair—and, after some time spent therein, the Committee rose, and reported amendments—and,

On motion of Mr Walker of H. the Report was laid on the table, and made the order of the day for Tuesday next.

On motion of Mr Walker of W. the Report of the Committee on Revenue was taken up.

Mr Cummins proposed to amend the Report, by striking out the words, 'subject to taxation,' in the first line, second Section, and inserting in lieu thereof, the words, 'owned or possessed by any person, over the value of two hundred dollars in personal chattels'.

Upon which the yeas and nays were required, and stood as follows, to wit:

YEAS—Messrs Biscoe, Clark of Chicot, Cummins, Davies, Ferebee, Lee, May, McLain, and Mr President—9.

NAYS—Messrs Adams, Ball, Bates, Bean, Boon, Brown, Calvert, Clarke of Johnson, Conway, Dickenson, Drennen, Drew, Elliott, Farrelly, Fowler, Kelly, King, Lacy, Lafferty, Lowe, Manly, Marshall, Martin, McCamy, McKean, Menefee, Murray, Ringgold, Roane, Robinson, Royston, Saunders, Scott, Slavens, Smith, Strong, Walker of H., Walker of W., Wilson of L., Whinnery, and Wright—41.

So the proposition was lost.

Mr Ball moved to adjourn, which was lost.

Mr Farrelly moved to amend the Report by striking out all after the word 'That,' at the beginning of the first line, second section, including 'law,' in the fifth line, and inserting in lieu thereof, the following—'every species of property, real, personal and mixed, shall be taxed according to its value—that value to be ascertained in such manner as the Legislature may direct—making the same equal and uniform throughout the State. Provided, however, that the Legislature may exempt from taxation personal chattels, not amounting to more than one hundred dollars.'

Mr Fowler moved to amend the latter motion, by striking out all after the word 'State,' before the word 'Provided'—which was agreed to.

The question then recurring on the motion of Mr Farrelly, as amended—the yeas and nays were called for, and stood as follows:

YEAS—Messrs Bates, Biscoe, Clark of Chicot, Conway, Cummins, Davies, Elliott, Farrelly, Ferebee, Fowler, Kelly, Lacy, Lee, Manly, May, McLain, Roane, Royston, Wilson of Lafayette, and Mr President—20.

NAYS—Messrs Adams, Ball, Bean, Boon, Brown, Calvert, Clarke of Johnson, Dickenson, Drennen, Drew, King, Lafferty, Lowe, Marshall, Martin, McCamy, McKean, Menefee, Murray, Ringgold, Robinson, Saunders, Scott, Slavens, Smith, Strong, Walker of H. Walker of W. Whinnery, & Wright—20.

So the amendment was lost.

On motion of Mr Walker of W., the Report was then agreed to, and laid on the table.

On motion of Mr Conway, the Convention adjourned.

Monday, Jan. 18, 1836.

The Convention met, pursuant to adjournment.

On motion of Mr Walker of W., the orders of the day were taken up.

Whereupon, the Convention resolved itself into a Committee of the Whole, on the Report of the Committee on Boundaries—Mr McCamy in the Chair—and after some time spent therein, the Committee rose, and reported the same without amendment—and,

On motion of Mr Walker of W. the Report was laid on the table.

On motion of Mr Walker of W., the Report of the Committee to draft a Declaration of Rights was taken up.

On motion of Mr Strong, said Report was made the order of this day.

Whereupon, the Convention resolved itself into a Committee of the Whole on said Report—Mr Brown in the chair—and after some time spent therein, the Committee rose, and reported amendments—and,

On motion of Mr Scott, the Report was laid on the table.

On motion of Mr Walker of H., the Convention adjourned.

Tuesday, Jan. 19, 1836.

The Convention met pursuant to adjournment.

Mr Bates, from the Legislative Committee, made the following Report:

The Committee to whom was referred the subject of the Legislative Department, ask leave to submit the following Report:

ARTICLE 1.

SEC. 1. The Legislative power of this State shall be vested in a General Assembly, which shall consist of a Senate and a House of Representatives.

QUALIFICATION OF ELECTORS.

SEC. Every free white male citizen of the United States, who shall have attained the age of twenty one years, and who shall have been an inhabitant of this State for one year, shall be deemed a qualified elector, and be entitled to vote in the County or District where he actually resides, for each and every office made elective under this State, or under the United States—Provided, that no soldier, seaman or marine, in the regular Army or Navy of the United States, shall be entitled to vote at any election within this State.

THE TIME OF CHOOSING REPRESENTATIVES.

SEC. 3. The House of Representatives shall consist of members to be chosen every second year, by the qualified electors of the several Counties.

QUALIFICATION OF A REPRESENTATIVE.

SEC. 4. No person shall be a member of the House of Representatives, who shall not have attained the age of twenty five years; who shall not be a free white male citizen of the United States; who shall not have been an inhabitant of this State one year—and who shall not, at the time of his election, have an actual residence in the County he may be chosen to represent.

QUALIFICATION OF A SENATOR.

SEC. 5. The Senate shall consist of members to be chosen every four years, by the qualified electors of the several Districts.

SEC. 6. No person shall be a Senator, who shall not have attained the age of thirty years—who shall not be a free white male citizen of the United States—who shall not have been an inhabitant of this State one year—and who shall not, at the time of his election, have an actual residence in the District he may be chosen to represent.

MEETING OF THE GENERAL ASSEMBLY.

SEC. 7. The General Assembly shall meet every two years, on the first Monday of December, at the Seat of Government, until altered by law.

THE MODE OF ELECTION, AND TIME, AND PRIVILEGE OF ELECTORS.

SEC. 8. All General Elections shall be *viva voce*, until otherwise directed by law, and shall commence and be holden every two years, on the second Monday in October—and the electors, in all cases except in cases of treason, felony and breach of the peace, shall be privileged from arrest during their attendance on elections, and in going to and returning therefrom.

DUTY OF GOVERNOR.

SEC. 9 The Governor shall issue writs of election, to fill such vacancies as shall occur in either House of the General Assembly.

SEC. 10. No Judge of the Supreme Court, or inferior Courts of Law or Equity, Secretary of State, Attorney for the State, State Auditor or Treasurer, Register or Recorder, Clerk of any Court of Record, Sheriff, Coroner, Member of Congress, nor any other person holding any lucrative office under the United States or this State, (Militia officers, Justices of the Peace, and Postmasters excepted,) shall be eligible to a seat in either House of the General Assembly.

SEC. 11. No person who now is, or shall be hereafter, a Collector or Holder of public money, nor any assistant or deputy of such Holder or Collector of public money, shall be eligible to a seat in either House of the General Assembly, nor to any office of profit or trust, until he shall have accounted for and paid over all sums for which he may have been liable.

SEC. 12. No person while he continues to exercise the functions of a Bishop, Priest, Clergyman, or Teacher of any religious denomination, society or sect, shall be eligible to either House of the General Assembly.

SEC. 18. The General Assembly shall exclude from every office of trust and profit, and from the right of suffrage within this State, all persons convicted of bribery, perjury, or other infamous crimes.

SEC. 19. Every person who shall have been convicted of directly or indirectly giving or offering any bribe, to procure his election or appointment, shall be disqualified from holding any office of trust or profit under this State—and every person who shall give or offer any bribe to procure the election or appointment of any person, shall, on conviction thereof, be disqualified from being elected to or holding any office of trust or profit under this State.

SEC. 20. No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under this State, which shall have been created, or the emoluments of which shall have been increased during the term of office, except to such offices as shall be filled by the election of the people.

SEC. 21. Each House shall appoint its own officers, and shall judge of the qualifications, elections and returns of its own members. two thirds of each House shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and compel the attendance of absent members, in such manner, and under such penalties, as each House shall provide.

SEC. 22. Each House may determine the rules of its own proceedings, punish its members for disorderly behavior, and, with the concurrence of two thirds of those elected, expel a member, but no member shall be expelled a second time for the same offence. They shall each, from time to time, publish a journal of their proceedings, except such parts as may, in their opinion, require secrecy—and the yeas and nays upon any question shall be entered on the journal, at the desire of any five members.

SEC. 23. The doors of each House, when in session or in Committee of the Whole, shall be open, except in cases which may require secrecy—and either House may punish, by fine and imprisonment, any person not a member, who shall be guilty of disrespect to the House, by any disorderly or contemptuous behavior in its presence, during the session—but such imprisonment shall not extend beyond the final adjournment of that session.

SEC. 24. Bills may originate in either House, and be amended or rejected in the other; but every bill shall be read on three different days, in each House, and no bill shall become a law, in either House, where the same is pending, shall dispense with this rule. Every bill, having passed both Houses, shall be signed by the President of the Senate and the Speaker of the House of Representatives.

SEC. 25. Whenever an officer, civil or military, shall be appointed by the joint or concurrent vote of both Houses, or by the separate vote of either House of the General Assembly, the vote shall be taken *viva voce*, and entered on the journal.

SEC. 26. The Senators and Representatives shall, in all cases except of treason, felony or breach of the peace, be privileged from arrest during the session of the General Assembly, and for fifteen days before the commencement and after the termination of each session; and for any speech or debate in either House, they shall not be questioned in any other place.

SEC. 27. The members of the General Assembly shall severally receive from the Public Treasury, compensation for their services, which shall not be increased or diminished, but no alteration of such compensation of members shall take effect during the session at which it is made.

THE MANNER OF BRINGING SUITS AGAINST THE STATE.

SEC. 28. The General Assembly shall direct by law, in what Courts and in what manner suits may be commenced against the State.

SEC. 29. They shall have power to pass all laws that are necessary to prohibit the introduction into this State of any slave or slaves who may have com-

mitted any high crime in any other State or Territory. The Legislature shall not have power to pass any bill of divorce, but may prescribe by law the manner in which such cases shall be investigated in the Courts of justice, and divorces granted.

SEC. 25. To prohibit the introduction of any slave or slaves, for the purpose of speculation or as an article of trade and merchandize, to oblige the owner of any slave or slaves to treat them with humanity, and in the prosecution of slaves for any crime, they shall not be deprived of an impartial Jury; and any slave who shall be convicted of a capital crime, shall suffer the same degree of punishment as would be inflicted on a free white person, and no other; and Courts of justice before whom slaves shall be tried, shall assign them counsel for their defence.

SEC. 26. The Governor, Secretary of State, Auditor, Treasurer, and all the Judges of the Supreme, Circuit and Inferior Courts of Law and Equity, and the Prosecuting Attornies for the State, shall be liable to impeachment for any mal-practice or misdemeanor in office, but judgment in such cases shall not extend further than removal from office, and disqualification to hold any office of honor, trust or profit under this State. The party impeached, whether convicted or acquitted, shall nevertheless be liable to be indicted, tried and punished according to law.

SEC. 27. The House of Representatives shall have the sole power of impeachment, and all impeachments shall be tried by the Senate, and when sitting for that purpose the Senators shall be on oath or affirmation to do justice according to law and evidence. When the Governor shall be tried, the Chief Justice of the Supreme Court shall preside, and no person shall be convicted, without the concurrence of two thirds of all the Senators elected; and for reasonable cause which shall not be sufficient ground of impeachment, the Governor shall, on the joint address of two thirds of each House of the Legislature, remove from office

SEC. 28. The appointment of all officers, not otherwise directed by this Constitution, shall be made in such manner as may be prescribed by law—and all officers, both civil and military, acting under the authority of this State, shall, before entry on the duties of their respective offices, take an oath or affirmation to support the Constitution of the United States and of this State, and to demean themselves faithfully in office.

SEC. 29. No County now established by law shall ever be reduced by the establishment of any new County or Counties, to less than square miles, nor shall any County be hereafter established, which shall contain less than square miles.

SEC. 30. The style of the laws of this State shall be, "Be it enacted by the General Assembly of the State of Arkansas"

SEC. 31. The Senate shall consist of not less than nineteen nor more than thirty three members, for the election of whom, the State shall be divided into seven Districts, as follows:

The first District shall consist of the County of Washington, and shall be entitled to two Senators.

The second District shall consist of the Counties of Crawford, Scott, Pope and Johnson, and be entitled to three Senators.

The third District shall consist of the Counties of Lawrence, Independence, Izard, Carroll, Searcy and Randolph, and shall be entitled to three Senators,

The fourth District shall consist of the Counties of Mississippi, Crittenden, St Francis, Greene, Jackson and Phillips, and be entitled to three Senators.

The fifth District shall consist of the Counties of Union, Chicot, Arkansas, Monroe, Hot Spring and Saline, and be entitled to three Senators.

The sixth District shall consist of the Counties of Lafayette, Miller, Sevier, Hempstead, Clark and Pike, and shall be entitled to three Senators.

The seventh District shall consist of the Counties of Pulaski, White, Conway, Jefferson and Van Buren, and shall be entitled to two Senators.

Sec. 32. The General Assembly shall cause an enumeration of the inhabitants of this State to be made in the year of eighteen hundred and forty, and every four years thereafter—and, at the first session after such enumeration, shall apportion the number of Senators among the several Districts, according to the number of free white male inhabitants therein.

Sec. 33. The State shall be divided into convenient Districts, which may be altered, from time to time, and new ones established, as the public good may require—Provided, That when a Senatorial District shall be composed of two or more Counties, the Counties of which such District consists, shall not be entirely separated by any County belonging to another District, and no County shall be divided, in forming a District. At the first session of the General Assembly, the Senators shall be divided by lot, as equal as may be, into two classes—the seats of the first class shall be vacated at the end of the second year, and the seats of the second class shall be vacated at the end of the fourth year—so that one half of the Senate shall be chosen every second year.

Sec. 34. The House of Representatives shall consist of not less than fifty, nor more than one hundred members, and every County heretofore established, shall be entitled to one member, and no new County shall hereafter be erected unless the population thereof shall entitle it to a member.

Sec. 35. The County of Washington shall be entitled to six Representatives.
The County of Crawford shall be entitled to three Representatives.
The County of Scott shall be entitled to one Representative.
The County of Van Buren shall be entitled to one Representative.
The County of Johnson shall be entitled to two Representatives.
The County of Mississippi shall be entitled to one Representative.
The County of Crittenden shall be entitled to two Representatives.
The County of St. Francis shall be entitled to two Representatives.
The County of Jackson shall be entitled to one Representative.
The County of Greene shall be entitled to one Representative.
The County of Phillips shall be entitled to one Representative.
The County of Union shall be entitled to one Representative.
The County of Chicot shall be entitled to one Representative.
The County of Arkansas shall be entitled to two Representatives.
The County of Monroe shall be entitled to one Representative.
The County of Hot Spring shall be entitled to one Representative.
The County of Saline shall be entitled to one Representative.
The County of Lafayette shall be entitled to one Representative.
The County of Miller shall be entitled to one Representative.
The County of Hempstead shall be entitled to two Representatives.
The County of Sevier shall be entitled to one Representative.
The County of Clark shall be entitled to one Representative.
The County of Pike shall be be entitled to one Representative.
The County of Jefferson shall be entitled to one Representative.
The County of Pulaski shall be entitled to two Representatives.
The County of White shall be entitled to one Representative.
The County of Conway shall be entitled to one Representative.
The County of Pope shall be entitled to two Representatives.
The County of Izard shall be entitled to one Representative.
The County of Carroll shall be entitled to one Representative.
The County of Searcy shall be entitled to one Representative.
The County of Randolph shall be entitled to one Representative.
The County of Lawrence shall be entitled to two Representatives.
The County of Independence shall be entitled to two Representatives.

Sec. 36. The General Assembly, in the year eighteen hundred and forty,

and every four years thereafter, shall cause an enumeration to be made of the inhabitants of this State, and at the first session after such enumeration, shall apportion the number of Representatives among the several Counties, according to the number of free white male inhabitants therein.

MODE OF AMENDING THE CONSTITUTION.

SEC. 37. The General Assembly may at any time propose such amendments to this Constitution as two thirds of each House shall deem expedient—which shall be published in all the newspapers published in this State, three several times, at least twelve months before the next general election, and if, at the first session of the General Assembly after such general election, two thirds of each House shall, by yeas and nays, ratify such proposed amendments, they shall be valid to all intents and purposes, as parts of this Constitution—Provided, That such proposed amendments shall be read on three several days, in each House, as well when the same are proposed, as when they are finally ratified.

Mr Ringgold, from the same Committee, made the following counter Report:

The Report of the Minority of the Committee on the Legislative Department:

SEC. —. The same number of Senatorial Districts shall from time to time be established by the Legislature, as there may be Senators allotted to the State, which shall be so formed as to contain, as near as may be, an equal number of free white male inhabitants in each, so that no County shall be divided, or form more than one District, and when two or more Counties compose a District, they shall be adjoining.

SEC —. The first enumeration of the inhabitants shall be made on the first day of January, eighteen hundred and thirty seven, and within every subsequent term of four years thereafter, as shall be directed by law. The number of Representatives and Senators shall, at the several periods of making such enumeration, be fixed by the Legislature, and apportioned among the several Counties and Districts, according to the free white male inhabitants therein, as provided for by this Constitution.

SEC —. Until the first enumeration shall be made, as directed in this Constitution, the Counties shall be represented as follows:

The County of Washington six Representatives and two Senators.

The County of Lawrence two—Randolph one—Greene one—making four Representatives and two Senators.

The County of Independence two—Jackson one—making three Representatives and one Senator.

The County of Searcy one—Izard one—Carroll one—making three Representatives and one Senator.

The County of Johnson one—Pope one—and one between—making three Representatives and one Senator.

The County of Conway one—Van Buren one—White one—making three Representatives and one Senator.

The County of Pulaski two—Saline one—Hot Spring one—making four Representatives and one Senator.

The County of St Francis two—Monroe one—Phillips one—making four Representatives and two Senators.

The County of Union one—Chicot one—Clark one—making three Representatives and one Senator.

The County of Jefferson one—Arkansas two—making three Representatives and one Senator.

The County of Crawford three—Scott one—making four Representatives and one Senator.

The County of Hempstead two—Lafayette one—making three Representatives and one Senator.

The County of Crittenden two—Mississippi one—making three Representatives and one Senator.

The County of Miller one—Sevier one—Pike one—making three Representatives and one Senator.

On motion of Mr Roane, the Report of the Majority and the counter Report of the Minority were laid on the table, and two hundred copies of each ordered to be printed.

On motion of Mr Menefee, the orders of the day were taken up.

The Report of the Committee on Boundaries was then taken up.

Mr Menefee proposed the following amendment—"Strike out all after the word 'Missouri,' in the 5th line, first Article—and insert, in lieu thereof, the following—'thence on a direct line to a point on the Arkansas River, where the eastern Choctaw line strikes the same, thence due south with said Choctaw line to the right bank of Red River, thence with said River to the Mexican boundary line, thence with said line to the north-west corner of the State of Louisiana, thence east, and with said Louisiana line, to the middle of the main channel of the Mississippi River, thence up and with the middle of the main channel of said River to the place of beginning. Provided, however, that whenever the Indian title to the lands west of the aforesaid western boundary line, and east of the western Territorial boundary line, as established by an Act of Congress approved May 26, 1824, shall be extinguished thereto, then and in that event the line last mentioned shall be the permanent western boundary line of the said State of Arkansas, and not till then'."

Mr Conway moved to amend the latter amendment, by striking out the *proviso*, which was agreed to—and then,

The question being taken on the adoption of the amendment, as amended, it was lost.

Mr Fowler moved to "amend by inserting at the end, and after Article one, the following, to wit:

'OF THE DISTRIBUTION OF POWERS.

SEC. 1. The powers of the Government of the State of Arkansas shall be divided into three distinct Departments, each of them to be confided to a separate body of magistracy, to wit; those which are Legislative, to one—those which are Executive, to another—and those which are Judicial, to another.

SEC. 2. No person, or collection of persons, being of one of those Departments, shall exercise any power properly belonging to either of the others—except in instances hereafter expressly directed or permitted'."

Which was adopted.

Mr Fowler moved to "amend the Preamble, by striking out *all*, and by inserting the following in lieu thereof, to wit:

'WE, the People of the Territory of Arkansas, by our Representatives in Convention assembled, at Little Rock, on Monday, the 4th day of January, A. D. 1836, and of the Independence of the United States the sixtieth year, having the right of admission into the Union, as one of the United States of America, consistent with the Federal Constitution, and by virtue of the Treaty of Cession by France to the United States, of the Province of Louisiana, in order to secure to ourselves and our posterity the enjoyment of all the rights of life, liberty and property, and the free pursuit of happiness, do mutually agree with each other to form ourselves into a Free and Independent State, by the name and style of, "THE STATE OF ARKANSAS"—and do ordain and establish the following Constitution for the government thereof."

Which was adopted.

Mr Walker of W. the Report, as amended, was agreed to—and,

On motion of Mr Farrelly, it was ordered to be engrossed.

The Judiciary Report being under consideration, Mr Brown moved to amend

the amendment of the Committee of the Whole, by striking out, in the second line, 17th Section, the words, 'and have jurisdiction throughout the County,' —and the yeas and nays being required, stood as follows.

Yeas—Messrs Adams, Ball, Bates, Bean, Biscoe, Brown, Clark of Chicot, Cummins, Dickenson, Drennen, Drew, Elliott, Farrelly, Fowler, Kelly, King, Lafferty, Lee, Lowe, Manly, Marshall, Martin, Menefee, Ringgold, Roane, Royston, Saunders, Scott, Slavens, Smith, Walker of H., Walker of W., and Mr President—33.

Nays—Messrs Boon, Calvert, Clarke of Johnson, Conway, Davies, Ferebee, Lacy, May, McCamy, McKean, McLain, Murray, Robinson, Strong, Wilson of Lafayette, Whinnery, and Wright—17.

So the amendment of the Committee of the Whole was rejected.

Mr Lacy moved to amend the third line, Section seven, by striking out, 'for the term of six years from the date of their commission,' and insert in lieu thereof, 'by the joint vote of both Houses of the General Assembly—and they shall hold their offices during the term of twelve years from the date of their commissions. Immediately after such election by the first General Assembly, the President of the Senate and Speaker of the House of Representatives shall proceed by lot to divide the Judges into three classes—the commission of the first class shall expire at the end of four years, of the second class at the end of eight years, and of the third class at the end of twelve years—so that one third of the whole number shall be chosen every four years.'

And the yeas and nays being called for, stood as follows:

Yeas—Messrs Bates, Biscoe, Calvert, Clark of Chicot, Clarke of Johnson, Conway, Cummins, Davies, Drennen, Elliott, Farrelly, Ferebee, Fowler, Kelly, Lacy, Lee, Manly, May, McKean, McLain, Menefee, Ringgold, Roane, Saunders, Scott, Slavens, Strong, and Wilson of Lafayette—28.

Nays—Messrs Adams, Ball, Bean, Boon, Brown, Dickenson, Drew, King, Lafferty, Lowe, Marshall, Martin, McCamy, Murray, Robinson, Royston, Smith, Walker of H. Walker of W. Whinnery, Wright, & Mr President—22.

So the amendment was adopted.

Mr Ball moved to amend first Line, 2d. Sec. by inserting after the word 'Judges,' —'one of whom shall be styled Chief Justice,'—which was adopted.

Mr Brown moved to amend the 9th Section, by adding—'Provided, nevertheless, whenever it shall be made known to the Governor, that some one of the Circuit Judges be absent or sick, so that he cannot hold his Courts, it is hereby made the duty of the Governor to notify some one of the Circuit Judges to hold the Court of such Judge, sick or absent.'

Upon which the yeas and nays were required, and stood as follows:

Yeas—Messrs Brown, Drennen, Kelly, Lafferty, Murray, and Robinson—6.

Nays—Adams, Ball, Bates, Bean, Boon, Calvert, Clark of Chicot, Clarke of Johnson, Conway, Davies, Dickenson, Drew, Elliott, Farrelly, Ferebee, Fowler, King, Lacy, Lee, Lowe, Manly, Marshall, Martin, May, McCamy, McKean, McLain, Menefee, Ringgold, Roane, Royston, Saunders, Scott, Slavens, Smith, Strong, Walker of H. Walker of W. Wilson of L. Whinnery, Wright, and Mr President—42.

On motion of Mr Farrelly, the Report was laid on the table.

And, on motion, the Convention adjourned.

Wednesday, Jan. 20, 1836.

The Convention met, pursuant to adjournment.

On motion of Mr Ringgold, the orders of the day were taken up.

On motion of Mr Walker of W. the Report of the Judiciary was taken up.

Mr Murray moved to amend by striking out the word 'two,' in the 8th line, 7th Section, and inserting in lieu thereof, the word 'four,'—which was lost.

Mr Farrelly proposed the following amendment, to be inserted after the 8th Section,

'SEC. 9. There shall be established in each County in the State, a Court to be holden by the Justices of the Peace, and called the County Court, which shall have jurisdiction in all matters relating to County taxes, disbursments of money for County purposes, and in every other case that may be necessary to the internal improvement and local concerns of the respective Counties.

SEC. 10. That there shall be elected by the Justices of the Peace of the respective Counties, a Presiding Judge of the County Court, to be commissioned by the Governor, and hold his office for the term of two years, and until his successor is elected and qualified. He shall, in addition to the duties that may be required of him by law, as Presiding Judge of the County Court, be a Judge of Probate, and have such jurisdiction in matters relative to the estates of deceased persons, executors, administrators and guardians, as may be prescribed by law.

SEC. 11. The Presiding Judge of the County Court, and Justices of the Peace, shall receive for their services such compensation and fees as the Legislature may, from time to time, by law direct.

Mr Royston moved to amend the latter amendment, by striking out the words, 'Justices of the Peace,' in the first line of the tenth Section, and inserting, 'the qualified voters,'—which was lost.

And the question then recurring on the adoption of the amendment proposed by Mr Farrelly, the yeas and nays were called for, and stood as follows:

YEAS—Messrs Adams, Ball, Bates, Biscoe, Boon, Brown, Calvert, Clark of C. Clarke of J. Conway, Cummins, Davies, Elliott, Farrelly, Ferebee, Fowler, Kelly, King, Lacy, Lee, Manly, Marshall, May, McKean, McLain, Roane, Saunders, Walker of W. Wilson of L. Whinnery, Wright, & Mr President—32.

NAYS—Messrs Bean, Dickenson, Drew, Lafferty, Lowe, Martin, McCamy, Menefee, Murray, Ringgold, Robinson, Royston, Scott, Slavens, Smith, Strong, & Walker of H.—17.

So the amendment was adopted.

Mr McCamy moved to amend by inserting after the word 'State,' in the 9th line, 12th Section—'except assault and battery,'—which was lost.

On motion of Mr Conway, the first and second lines, of the first Section, were amended by striking out all after the word 'in,' in the first line, to the word 'and,' in the second, and inserting in lieu thereof, the words 'County Court'.

Mr Fowler moved to insert the following at the end of the first Section—'and may establish Courts of Chancery'—which was lost.

On motion of Mr Farrelly, the amendment to the 5th Sec. was amended, by striking out all after the word 'the,' to the word 'States'.

Mr Menefee moved to amend the 5th Sec. 2d line, by striking out the word 'not,' and inserting in lieu thereof the word 'neither,'—and after the word 'increased,' insert 'nor'.

And the yeas and nays being required, stood as follows:

YEAS—Messrs Bean, Biscoe, Boon, Brown, Clarke of J. Lowe, Manly, Martin, McCamy, Menefee, Robinson, Saunders, Smith, Walker of H. and Walker of W.—15.

NAYS—Messrs Adams, Ball, Bates, Calvert, Clark of C. Conway, Davies, Dickenson, Drew, Elliott, Farrelly, Ferebee, Fowler, Kelly, King, Lacy, Lafferty, Lee, Marshall, May, McKean, McLain, Murray, Ringgold, Roane, Royston, Scott, Slavens, Strong, Wilson of L. Whinnery, Wright, and Mr President—33.

So the amendment was lost.

Mr Roane moved to amend the 7th Section, 7th line, by inserting after the word 'shall,' —'until otherwise provided by law,'—and on the adoption of said amendment the yeas and nays were called for, and stood as follows:

YEAS—Messrs Bates, Biscoe, Calvert, Clark of C. Clarke of J. Conway,

Cummins, Drew, Elliott, Farrelly, Ferebee, Fowler, Kelly, Lacy, Lafferty, Lee, Lowe, May, Ringgold, Roane, Scott, Walker of W. Wright and Mr President—24.

Nays—Messrs Adams, Ball, Bean, Boon, Brown, Davies, Dickenson, King, Manly, Marshall, Martin, McCamy, McKean, McLain, Menefee, Murray, Robinson, Royston, Saunders, Slavens, Smith, Strong, Walker of H. Wilson of L. and Whinnery—25

So the amendment was lost.

Mr Royston proposed the following amendment—"strike out the first line, in the tenth Section; and the words, 'Circuit established by law,' in the second line of the same Section, and insert in lieu thereof—'The qualified voters of each Circuit established by law in this State, shall elect an Attorney for the State, for their respective Circuits'."

Upon which the yeas and nays were required, and stood as follows:

Yeas—Messrs Ball, Bean, Boon, Drew, Kelly, King, Lafferty, Manly, Martin, Robinson, Royston, Saunders, Slavens, Smith, Strong, Walker of H. Walker of W. Wilson of L. Whinnery, and Wright—20.

Nays—Messrs Adams, Bates, Biscoe, Brown, Calvert, Clark of C. Clarke of J. Conway, Cummins, Davies, Dickenson, Elliott, Farrelly, Ferebee, Fowler, Lacy, Lee, Lowe, Marshall, May, McCamy, McKean, McLain, Menefee, Murray, Ringgold, Roane, Scott, and Mr President—29.

So the amendment was lost.

The following Resolution, submitted by Mr McCamy, was adopted:

Resolved, That the Report of the Committee on the Judiciary, as amended, be re-committed to that Committee, to revise and consolidate the same, and report thereon.

And, on motion of Mr Lacy, the Convention adjourned.

Thursday, Jan. 21, 1836.

The Convention met pursuant to adjournment.

Mr Walker of H. presented the credentials of George Halbrook, the member elect from the Counties of Sevier and Miller, to supply the place of Richard Ellis, *resigned*—when

Mr Halbrook came forward, was qualified, and took his seat.

Mr Scott, Chairman of the Committee on the Judiciary, to whom the Report of said Committee, as amended, was re-committed, moved to be discharged from the farther consideration of the subject—which was agreed to—and then,

On motion of Mr Walker of H. the Report was ordered to be engrossed.

The orders of the day were then taken up.

On motion of Mr Walker of H. the Report of the Committee on Banking was taken up.

Mr Bean moved to strike out all after the word 'representation,' in the fourth line of the first Section. On the adoption of the amendment, Mr Walker of H. called for the yeas and nays, which stood as follows:

Yeas—Messrs Adams, Bean, Boon, Dickenson, Drennen, King, Lafferty, Lowe, Manly, Martin, May, McCamy, McLain, Ringgold, Robinson, Saunders, Smith, Walker of W. and Whinnery—19.

Nays—Messrs Ball, Brown, Calvert, Clark of C. Clarke of J. Conway, Cummins, Davies, Drew, Elliott, Farrelly, Ferebee, Fowler, Halbrook, Kelly, Lee, McKean, Menefee, Murray, Roane, Royston, Scott, Slavens, Strong, Walker of H. Wilson of L. Wright, and Mr President—28.

So the proposed amendment was rejected.

Mr Farrelly offered the following amendment, to be inserted after the word 'may,' in the first line, first Section,—'whenever they deem it expedient or useful, charter institutions with banking privileges—but no such institution hall ever be established in the State unless the stockholders are made indi-

vidually, as well as collectively responsible for all debts of such corporation.'

Mr Ringgold moved to amend the latter amendment, by inserting, 'and the number so chartered shall never exceed four, including branches'—which was lost—and

The question was then taken on the question first proposed, which was lost.

On motion of Mr Walker of H. the Bank Report was laid upon the table, and the Report of the Miscellaneous Committee taken up.

On motion of Mr Ball, the latter Report was laid on the table.

Mr Ringgold moved to take up the Report of the Committee on Ordinance—which was lost.

Mr Murray moved to adjourn—which was lost.

Mr Walker of W. moved to take up the Report of the Committee on Ordinance and Compact—which was lost.

On motion of Mr Walker of H. the Convention adjourned.

Friday, Jan. 22, 1836.

The Convention met pursuant to adjournment.

Mr Scott submitted the following Resolution, which was adopted:

Resolved, That the Secretary of this Convention be authorised to employ such assistance as he may deem necessary to keep up the business of the House, from day to day.

The orders of the day were then taken up.

On motion of Mr Ball, the Report of the Committee on Ordinance and Compact was taken up.

Mr Menefee moved to strike out the words 'equivalent thereto, and as contiguous as may be,' in 2 line of the first Section—which was lost.

Mr Ball submitted the following amendment, which was agreed to:

'Sec. 3. The Hot Springs in said State, together with four Sections of land, including the said Springs, as near the centre as may be, shall be granted to the State for the use thereof—and the same to be disposed of in such manner as the General Assembly shall direct.'

Mr Manly moved to amend the 3d line, 3d Section, by inserting after the word 'Seminary,' the words, 'or Seminaries,'—upon which,

The yeas and nays were required: and stood as follows:

Yeas—Messrs Adams, Bates, Bean, Biscoe, Calvert, Clark of C. Dickenson, Ferebee, Halbrook, King, Lafferty, Lowe, Manly, Marshall, Martin, McKean, Ringgold, Robinson, Royston, Saunders, Scott, Slavens, Smith, Whinnery, and Mr President—25.

Nays—Messrs Ball, Boon, Brown, Clarke of J. Conway, Cummins, Davies, Drennen, Drew, Elliott, Farrelly, Fowler, Kelly, Lacy, Lee, May, McCamy, McLain, Menefee, Murray, Strong, Walker of H. Wilson of L. & Wright—25.

So the amendment was rejected.

On motion of Mr Manly, the words, 'or unfit for cultivation,' were inserted after the word 'of,' in the 2d line, first Section.

On motion of Mr Brown the first Section was amended by inserting at the end of the last line, 'a quantity of land equal to two sections, for each and every County, to be located under the direction of the General Assembly of the State, according to any of the legal subdivisions of the public lands, shall be granted to the State, for the erection of an academy in each County in this State.'

On motion of Mr Ball, the Report, as amended, was ordered to be engrossed.

Mr Walker of H. submitted the following Resolution, which was adopted.

Resolved, That a Committee of three be appointed, to arrange, article and section the various Reports as they are engrossed, for the final action of the Convention.

On motion of Mr Walker of W. the Report of the Committee on Miscellaneous subjects was taken up.

On motion of Mr Clark of C. the third Section was stricken out.

On motion of Mr Bean, the fourth Section was stricken out.

Mr Davies moved to strike out the fifth Section—which was lost.

Mr Murray moved to strike out the sixth Section—upon which the yeas and nays were called for, and stood as follows:

YEAS—Messrs Adams, Ball, Bates, Bean, Biggs, Boon, Brown, Calvert, Clark of C. Conway, Cummins, Davies, Drennen, Drew, Dickinson, Farrelly, Forebee, Fowler, Halbrook, Kelly, King, Lacy, Lafferty, May, McCamy, McLain, Murray, Ringgold, Roane, Robinson, Royston, Strong, Walker of H. Walker of W. Wilson of L. Whinnery, Wright, and Mr President—38.

NAYS—Messrs Clarke of J. Elliott, Lee, Lowe, Manly, Marshall, Martin, McKean, Menefee, Saunders, Scott, and Smith—12,

So the sixth Section was stricken out.

Mr Menefee moved to adjourn—which was lost.

On motion of Mr Farrelly, the Report was laid on the table.

Mr Conway moved to adjourn—which was lost,

Mr Walker of H. moved to take up said Report again—which was agreed to.

On motion of Mr Walker of W. the ninth clause was stricken out.

On motion of Mr Ball, the eleventh Section was stricken out.

On motion of Mr Roane, the twefth clause was stricken out.

On motion of Mr Farrelly, the thirteenth Section was stricken out.

Mr Menefee moved to strike out the fourteenth Section—which was lost.

On motion of Mr Lee, the sixteenth Section was stricken out.

Mr Whinnery moved to adjourn—which was lost.

On motion of Mr Ball, the seventeenth Section was stricken out.

On motion of Mr Clark of C. the eighteenth Section was stricken out.

Mr Ball moved to strike out the nineteenth Section—which was lost.

Mr Murray moved to strike out all that Section relating to education—which was lost.

On motion of Mr Walker of W. a portion of the 6th, and the whole of the seventh and eighth, and a part of the ninth line, first Section, was stricken out.

On motion of Mr Walker of W. the second Section—under the head of Slavery, was stricken out.

On motion of Mr Farrelly, the third Section was stricken out.

On motion of Mr Saunders, the Convention adjourned.

Saturday, Jan. 23, 1836.

The Convention met pursuant to adjournment.

On motion, the orders of the day were taken up.

On motion of Mr Brown, the engrossed Report on Boundaries was taken up.

Mr Brown proposed the following amendment, which was lost—"Strike out all in the 6th line, after the word 'by,' to the word 'Arkansas,' inclusive, in the 7th line, and insert—'the first article of a treaty entered into and concluded, between the United States and the Cherokee Nation of Indians west of the Mississippi, on the twenty eighth day of May, one thousand, eight hundred and twenty eight'."

On motion of Mr Scott, the Report, as engrossed, was agreed to.

On motion of Mr Walker of H. the engrossed Report of the Executive Committee was taken up.

On motion of Mr Royston, said Report was laid on the table.

On motion of Mr Royston, the Report of the Legislative Committee was taken up.

On motion of Mr Ball, the 2d line of the 2d Section was amended by inserting the words 'a citizen' in lieu of 'an inhabitant'—and 'six months' in lieu of 'one year'.

Mr Manly moved to insert 'November' in lieu of 'December,' in the first

line of the 7th Section—Upon which the yeas and nays were called for, and stood as follows.

YEAS Messrs Adams, Ball, Bean Boon, Clarke of J Conway, Dickenson Drennen, Drew, Halbrook, Kmz, Lafferty, Lowe, Manly, Marshall Martin, McCamy, Murray, Robinson, Saunders, Scott, Slavens, Smith, Strong, Walker of H Walker of W Whinnery, and Mr President 28.

NAYS—Messrs Bates, Biscoe, Brown, Calvert, Clark of C Cummins, Davies, Elliott, Farrelly, Ferebee, Fowler, Kelly, Lacy, Lee, May, McKean, McLain, Menefee, Ringgold, Roane, Royston, Wilson of L. and Wright—23.

So the amendment was adopted.

Mr Manly moved to strike out 'viva voce,' and insert in lieu thereof, 'by ballot,—first line, 8th Section:—Upon which the yeas and nays were required, and stood as follows:

YEAS—Messrs Bean, Boon, Davies, Fowler, King, Lafferty, Lowe, Manly, May, McCamy, McLain, Slavens, Walker of W and Whinnery—14.

NAYS—Messrs Adams, Ball, Bates, Biscoe, Brown, Calvert, Clark of C Clarke of J Conway, Cummins, Dickenson, Drennen, Drew, Elliott, Farrelly, Ferebee, Halbrook, Kelly, Lacy, Lee, Marshall, Martin, McKean, Menefee, Murray, Ringgold, Roane, Robinson, Royston, Saunders, Scott, Smith, Strong, Walker of H. Wilson of L. Wright and Mr President—37

So the amendment was rejected.

On motion of Mr Fowler, the 8th Sec. 2 line, was amended by inserting after the word 'October'—'until altered by law.'

Mr Walker of W. moved to amend the 10th Sec. by inserting after the word 'Postmasters,' in the fourth line, 'and Judges of the County Court.' Upon which Mr Biscoe called for the yeas and nays—which stood as follows:

YEAS—Messrs Adams, Ball, Bean, Biscoe Brown, Calvert, Clarke of J. Conway, Drennen, Elliott, Farrelly, Kelly, King, Lafferty, May, McCamy, McLain, Menefee, Murray, Robinson, Saunders, Slavens, Walker of W Whinnery, Wright and Mr President—26.

NAYS—Messrs Bates, Boon, Clark of C Cummins, Davies, Dickenson, Drew, Ferebee, Fowler, Halbrook, Lacy, Lee, Lowe, Manly, Marshall, Martin, McKean, Ringgold, Roane, Royston, Scott, Smith, Strong, Walker of H and Wilson of L.—25.

So the amendment was adopted.

Mr Fowler moved to strike out 'Postmasters,' in the fourth line, 10th Sec—Upon which Mr Murray called for the yeas and nays, which stood as follows:

YEAS—Messrs Ball Biscoe, Boon, Cummins Davies Drew Fowler King, Lafferty Lowe, Martin, May, McCamy, Menefee, Ringgold, Roane, Robinson, Saunders, Slavens, Smith, Walker of W. and Whinnery—22.

NAYS—Messrs Adams, Bates, Bean, Brown, Calvert, Clark of C. Clarke of J Conway, Dickenson, Drennen Elliott, Farrelly, Ferebee, Halbrook, Kelly, Lacy, Lee, Manly, Marshall, McKean, McLain, Murray, Royston, Scott, Strong, Walker of H Wilson of L. Wright and Mr President—29

So the amendment was lost.

Mr Murray moved to strike out the twelfth Section—Upon which the yeas and nays were required, and stood as follows:

YEAS—Messrs Adams, Ball, Bean, Boon, Brown, Davies, Dickenson, Drennen, Drew, Fowler, Halbrook, Kelly, King, Lafferty, May, McCamy, McLain, Murray, Ringgold, Robinson, Royston, Slavens, Strong, Walker of H. Walker of W. Wilson of L. Whinnery, Wright & Mr President—29.

NAYS—Messrs Bates, Biscoe, Calvert, Clark of C. Clarke of J. Conway, Cummins, Elliott, Farrelly, Ferebee, Lacy, Lee, Lowe, Manly, Marshall, Martin, McKean, Menefee, Roane, Saunders, Scott and Smith—22.

So the 12th Section was stricken out.

Mr Clarke of J. moved to strike out the 30th Section—which was lost.

On motion of Mr Drennen, the blanks in the 2d and 3d lines of the 30th Section were filled up with 'nine hundred' each.

On motion of Mr Fowler, the 30th Section was amended by inserting at the end of the 2d line, after the word 'miles'—'or a less population than would entitle such County to a member in the House of Representatives.'

Mr Murray moved to adjourn—upon which the yeas and nays were called for, and stood as follows:

YEAS—Messrs Bates, Cummins, Lacy, Lee, and Murray—5.

NAYS—Messrs Adams, Ball, Bean, Biscoe, Brown, Boon, Calvert, Clark of C Clarke of J Conway, Davies, Dickenson, Drennen, Drew, Elliott, Farrelly, Ferebee, Fowler, Halbrook, Kelly, King, Lafferty, Lowe, Manly, Marshall, Martin, May, McCamy, McKean, McLain, Menefee,

Ringgold, Roane, Robinson, Saunders, Scott, Slavens, Smith, Strong, Walker of H. Walker of W. Wilson of L. Whinnery, Wright and Mr President—45

So the motion was lost.

Mr Walker of W. moved to strike out the 32d Section.

Mr Conway moved to adjourn—upon which the yeas and nays were required, and stood as follows:

Yeas—Messrs Bates, Conway, Cummins, Farrelly, King, Lacy, Lee, McLain, Roane, Scott and Slavens—11.

Nays—Messrs Adams, Ball, Bean, Biscoe, Boon, Brown, Calvert, Clark of C. Clarke of J. Davies, Dickenson, Drennen, Drew, Elliott, Ferebee, Fowler, Halbrook, Kelly, Lafferty, Lowe, Manly, Marshall, Martin, May, McCamy, McKean, Menefee, Murray, Ringgold, Robinson, Royston, Saunders, Smith, Strong, Walker of H. Walker of W. Wilson of L. Whinnery, Wright and Mr President—40

So the motion was lost.

Mr Murray moved to adjourn—which was lost.—And,

On motion of Mr Slavens, the Convention adjourned.

January 25th, 1836.

The Convention met pursuant to adjournment.

Mr Walker of W. withdrew his motion to strike out the 32d Section, made on Saturday.

Mr Ringgold then moved to strike out the 32d and 37th Sections, inclusive, of the Majority Report, and insert in lieu thereof, the Report of the Minority Committee—Upon which the yeas and nays were called for, and stood as follows:

Yeas—Messrs Adams—Ball—Bean—Boon—Brown—Clarke of Johnson—Dickenson—Drennen—Drew Fowler—King—Lafferty—Lowe—Marshall—Martin—McCamy—Menefee—Murray—Ringgold—Robinson Saunders—Scott—Slavens—Smith—Walker of W.—and Whinnery—26.

Nays—Messrs Biscoe—Calvert—Clark of Chicot—Conway—Cummins—Davies—Elliott—Farrelly—Ferebee—Halbrook—Kelly—Lacy—Lee—Manly—May—McKean—McLain—Roane—Royston—Strong—Walker of H.—Wilson of L.—Wright and Mr President—24.

So the amendment was adopted.

Mr Farrelly moved that the Convention adjourn *sine die*—Upon which the yeas and nays were called for, which stood as follows:

Yeas—Messrs Biscoe—Calvert—Clark of Chicot—Davies—Elliott—Farrelly—Ferebee—Halbrook—Kelly—Lee—Manly—May—McKean—Roane—Strong—Walker of H.—Wilson of L.—Wright and Mr President—19.

Nays—Messrs Adams—Ball—Bean—Boon—Brown—Clark of Johnson—Conway—Cummins—Dickenson—Drennen—Drew—Fowler—King—Lacy—Lafferty—Lowe—Marshall—Martin—McCamy—McLain—Menefee—Murray—Ringgold—Robinson—Royston—Saunders—Scott—Slavens—Smith—Walker of W.—and Whinnery—31.

So the motion was lost.

Mr Fowler moved to refer the Report of the Legislative Committee, with the amendments, to a select Committee—which was lost.

Mr Murray moved to reconsider his vote on the proposition of Mr Ringgold to substitute the Minority Report of the Legislative Committee, in lieu of the Report of the Majority—which was agreed to.

Mr Drew then moved the following amendment, in lieu of the amendment offered by Mr Ringgold:

Sec. 32. The General Assembly shall cause an enumeration of the inhabitants of this State to be made in the year eighteen hundred and thirty eight, and every four years thereafter—and, at the first session after every enumeration, shall apportion the Senators among the several Districts, according to the number of free white male inhabitants therein—taking for the Senatorial basis fifteen hundred free white males, until the number of Senators for the State shall amount to thirty three—which number shall be and remain fixed—and the Legislature thereafter shall apportion the representation in the Senate according to the number of free white males in each District. And, until such apportionment is made, the County of Washington shall compose one District, and elect two Senators—the Counties of Carroll, Searcy and Izard, shall

compose one District, and elect one Senator—the Counties of Independence and Jackson shall compose one District, and elect one Senator—the Counties of Lawrence and Randolph shall compose one District, and elect one Senator—the Counties of Johnson and Pope shall compose one District, and elect one Senator—the Counties of Crawford and Scott shall compose one District, and elect one Senator—the Counties of Conway, White and Van Buren shall compose one District, and elect one Senator—the Counties of Pulaski and Saline shall compose one District, and elect one Senator—the Counties of Hot Spring, Clark and Pike shall compose one District, and elect one Senator—the Counties of Hempstead and Lafayette shall compose one District, and elect one Senator—the Counties of Sevier and Miller shall compose one District, and elect one Senator—the Counties of Chicot and Union shall compose one District, and elect one Senator—the Counties of Arkansas and Jefferson shall compose one District, and elect one Senator—the Counties of Phillips and Monroe shall compose one District, and elect one Senator—the Counties of St Francis and Greene shall compose one District, and elect one Senator—and the Counties of Crittenden and Mississippi shall compose one District, and elect one Senator—so that the Senate shall never consist of less than seventeen nor more than thirty three members.

Sec. 34. The State shall, after the taking of the first enumeration, be divided into convenient Districts, which may be altered, from time to time, and new ones established, as the public good may require. And at the first session of the General Assembly, the Senators shall be divided by lot, as equally as may be, into two classes—the seats of the first class shall be vacated at the end of the second year—and the seats of the second class shall be vacated at the end of the fourth year—so that one half of the Senate shall be elected every second year.

Sec. 35. The House of Representatives shall consist of not less than fifty, nor more than one hundred members, and every County hereafter established, shall be entitled to one member, and no new County shall hereafter be erected unless the population thereof shall entitle it to a member.

Sec. 36. The several Counties shall, until the first enumeration be taken, be entitled to elect the following number of members, to wit:

The County of Washington, six members—Crawford, three—Scott, one—Van Buren, one—Johnson, two—Pope, two—Conway, one—Carroll, one—Searcy, one—Izard, one—Independence, two—Jackson, one—Lawrence two—Randolph, two—White, one—Pulaski, two—Saline, one—Hot Spring one—Clark, one—Pike one—Hempstead, two—Miller one—Sevier one—Lafayette, one—Union, one—Chicot, one—Arkansas, two—Jefferson, one—Monroe, one—Phillips, two—St Francis two—Greene, one—Crittenden, two—and Mississippi one.

Sec. 37. The General Assembly shall, in the year and every four years thereafter, cause an enumeration to be made of the inhabitants of this State, and at the first session after such enumeration, shall apportion the number of Representatives among the several Counties according to the number of free white males inhabitants therein, taking the number of five hundred free white males as the ratio—until the number of Representatives amount to one hundred, when the General Assembly shall fix the ratio according to the number of Representatives.

Mr Farrelly moved to amend the latter amendment, by striking out the following—"taking for the Senatorial basis fifteen hundred free white males, until the number of Senators for the State shall amount to thirty three"—Upon which the yeas and nays were called for, and stood as follows:

Yeas—Messrs Biscoe—Boon—Calvert—Clark of C.—Clarke of J.—Cummins—Davies—Elliott—Farrelly—Ferebee—Halbrook—Lacy—Lee—Manly—May—McKean—McLain—Ringgold—Roane Scott—Strong—Walker of H—Wilson of L—Wright and Mr President—25.

Nays—Messrs Adams, Ball, Bean, Brown, Conway, Dickenson, Drennen, Drew, Fowler, Kelly, King, Lafferty, Lowe, Marshall, Martin, McCamy, Menefee, Murray, Robinson, Royston, Saunders, Stevens, Smith, Walker of W and Whinnery—25

So the amendment was lost.

Mr Fowler then renewed his motion to refer the Report, together with the amendments, to a select Committee—which was agreed to.

And Messrs Fowler, Clark of Chicot, Clarke of J. McKean, and Drew were appointed said Committee.

On motion of Mr Conway the Convention adjourned.

Tuesday, Jan. 26, 1836.

The Convention met pursuant to adjournment.

Mr Murray introduced the following Resolution

Resolved, That this Convention in forming a State Constitution, can recognize no other basis of representation than the free white male citizens of the country.

Mr Walker of H. moved to lay the Resolution on the table—upon which the yeas and nays were required, and stood as follows

Yeas—Messrs Adams—Bisco—Brown—Calvert—Clark of C.—Clark of J.—Conway—Cummins—Davies—Drennen—Drew—Elliott—Farrelly—Fergee—Halbrook—Kelly—Lacy—Lee—Lowe—Manly—Marshall—May—McKean—McLain—Ringgold—Roane—Royston—Scott—Stevens—Smith—Strong—Walker of H.—Wilson of L.—Whinnery—Wright & Mr President—36.

Nays—Messrs Ball—Bean—Boon—Dickenson—Fowler—King—Lafferty—Martin—McCamy—Menefee—Murray—Robinson—Saunders and Walker of W.—11.

So the Resolution was laid on the table.

Mr Fowler, from the Committee to whom was referred the Report of the Legislative Committee, with the proposed amendments, made the following Report:

The select Committee to whom was committed the Report on the Legislative Department, together with certain proposed amendments thereto, ask leave to report the following amendment to, and in lieu of the 32d Section of the original, to wit:

Sec. 32 The State shall from time to time be divided into convenient Districts for the purpose of electing Senators, to be called Senatorial Districts, in such manner that the Senate shall be based upon the free white male inhabitants of the State, each Senator representing an equal number, as nearly as practicable. And, until the first enumeration of the inhabitants is taken, the Districts shall be arranged as follows

The County of Washington shall compose one District, and elect two Senators.

The Counties of Carroll, Searcy and Izard, shall compose one District, and elect one Senator.

The Counties of Independence and Jackson shall compose one District, and elect one Senator.

The Counties of Lawrence and Randolph shall compose one District, and elect one Senator.

The Counties of Johnson and Pope shall compose one District, and elect one Senator.

The Counties of Crawford and Scott shall compose one District, and elect one Senator.

The Counties of Conway and Van Buren shall compose one District, and elect one Senator.

The Counties of Pulaski, White and Saline shall compose one District, and elect one Senator.

The Counties of Hot Spring, Clark and Pike shall compose one District, and elect one Senator.

The Counties of Hempstead and Lafayette shall compose one District, and elect one Senator.

The Counties of Sevier and Miller shall compose one District, and elect one Senator.

The Counties of Chicot and Union shall compose one District, and elect one Senator.

The Counties of Arkansas and Jefferson shall compose one District, and elect one Senator.

The Counties of Phillips and Monroe shall compose one District, and elect one Senator.

The Counties of St Francis and Greene shall compose one District, and elect one Senator.

The Counties of Crittenden and Mississippi shall compose one District, and elect one Senator.

And the Senate shall never consist of less than seventeen nor more than thirty three members.

And as soon as the Senate shall meet, after the first election to be held under this Constitution, they shall cause the Senators to be divided by lot, into two classes—nine of the first class and eight of the second—and the seats of the first class shall be vacated at the end of two years from the time of their election, and the seats of the second class at the end of four years from the time of their election—in order that one class of the Senators may be elected every two years

SEC. 33. An enumeration of the inhabitants of the State shall be taken, under the direction of the Legislature, on the first day of January, one thousand eight hundred and thirty eight, and at the end of every four years thereafter—and the Legislature shall, at the first session after the return of every enumeration, so alter and arrange the Senatorial Districts, that each District shall contain, as nearly as practicable, an equal number of free white male inhabitant—Provided, That Washington County, as long as its population shall justify the same, may, according to its numbers, elect more than one Senator; and such Districts shall then remain unaltered, until the return of another enumeration, and shall at all times consist of contiguous territory; and no County shall be divided in the formation of a Senatorial District.

SEC. 34. The ratio of representation in the Senate shall be fifteen hundred free white male inhabitants to each Senator, until the Senators amount to twenty five in number—and then they shall be equally apportioned upon the same basis throughout this State, in such ratio as the increased numbers of free white male inhabitants may require—without increasing the Senators to a greater number than twenty five, until the population of the State amounts to five hundred thousand souls—and when an increase of Senators takes place, they shall, from time to time, be divided into lot, and classed as prescribed above.

SEC. 35. The House of Representatives shall consist of not less than fifty four, nor more than one hundred Representatives, to be apportioned among the several Counties in this State according to the number of free white male inhabitants, taking five hundred as the ratio—until the number of Representatives amounts to seventy five—and when they amount to seventy five, they shall not be farther increased until the population of the State amounts to five hundred thousand souls—Provided, That each County now organized shall, although its population may not give the existing ratio, always be entitled to one Representative—and, until the first enumeration be taken, the Representatives shall be apportioned among the several Counties as follows:

The County of Washington shall elect six Representatives.

The County of Crawford shall elect three Representatives.

The County of Scott shall elect one Representative.

The County of Johnson shall elect two Representatives.

The County of Pope shall elect two Representatives.
The County of Conway shall elect one Representative.
The County of Van Buren shall elect one Representative
The County of Carroll shall elect two Representatives.
The County of Searcy shall elect one Representative.
The County of Izard shall elect one Representative.
The County of Independence shall elect two Representatives.
The County of Jackson shall elect one Representative.
The County of Lawrence shall elect two Representatives.
The County of Randolph shall elect two Representative.
The County of White shall elect one Representative.
The County of Pulaski shall elect two Representatives.
The County of Saline shall elect one Representative.
The County of Hot Spring shall elect one Representative.
The County of Clark shall elect one Representative.
The County of St. Francis shall elect two Representatives.
The County of Pike shall elect one Representative.
The County of Hempstead shall elect two Representatives.
The County of Miller shall elect one Representative.
The County of Sevier shall elect one Representative.
The County of Lafayette shall elect one Representative.
The County of Union shall elect one Representative.
The County of Chicot shall elect two Representatives.
The County of Arkansas shall elect two Representatives.
The County of Jefferson shall elect one Representative.
The County of Monroe shall elect one Representative.
The County of Phillips shall elect two Representatives.
The County of Greene shall elect one Representative.
The County of Crittenden shall elect two Representatives.
The County of Mississippi shall elect one Representative.

And at the first session of the Legislature after the return of every enumeration, the Representatives shall be equally divided and re-apportioned among the several Counties according to the number of free white males in each County, as above prescribed.

Mr Murray submitted the following Resolution:

Resolved, That two members of this Convention wait upon Jas. Woodson Bates, who is unable to attend from indisposition, and receive his vote upon the proposition now before this body.

Mr Walker of H. moved that the Resolution be laid upon the table—upon which the yeas and nays were required, and stood as follows:

YEAS—Messrs Adams-Clark of C.—Cummins-Davies-Dickenson—Drennen-Drew-Elliott-Farrelly—Ferebee—Fowler-Halbrook—Lacy—Manly—Martin-McKean—McLain-Roane-Royston—Walker of H. and Wright—21.

NAYS—Messrs Ball-Bean-Biscoe—Boon-Brown—Calvert—Clarke of J.-Conway-Kelly-King Lafferty-Lee—Lowe-Marshall-Martin-McCamy-Menefee-Murray—Ringgold—Robinson-Saunders-Scott-Slavens-Smith-Strong—Walker of W-Wilson of L—Whinnery and Mr President—29.

So the motion was lost.

And then the Resolution was adopted.

The question was then taken on agreeing to the Report of the select Committee—and the yeas and nays being required, stood as follows:

YEAS—Messrs Biscoe, Calvert, Clark of C. Clarke of J. Conway. Cummins, Davies, Drew; Elliott, Farrelly, Ferebee, Fowler, Halbrook; Kelly; Lacy, Lee; Manly; Marshall; May; McKean, McLain, Roane, Royston; Strong, Walker of H. Wilson of L. Wright & Mr President—28.

NAYS—Messrs Adams, Ball, Bean, Boon, Brown, Dickenson, Drennen, King, Lafferty, Lowe, Martin; McCamy, Menefee, Murray, Ringgold, Robinson, Saunders, Scott, Slavens, Smith, Walker of W. and Whinnery—11. 22.

So the Report was agreed to.

On motion of Mr Fowler, the 32d, 34th, 35th, 36th and 37th Sections of the original Report were stricken out.

Mr Martin moved to adjourn, which was lost.

Mr Bean moved to amend the 30th Section, by inserting, after the word 'miles,' in the 2d line—'except Washington, which may be reduced to six hundred square miles'—upon which the yeas and nays were called for, and stood as follows.

YEAS—Messrs Adams Bean, Biscoe, Clark of C. Clarke of J. Cummins, Davies, Drew, Farrelly Fowler, Halbrook, King, Lafferty, Lowe, Marshall, Martin, McKean, McLain, Menefee, Ringgold, Scott, Smith, and Whinnery—23

NAYS—Messrs Ball, Boon, Brown, Conway, Dickenson, Drennen, Elliott, Perebee, Kelly, Lee, Manly, May, McCamy, Roane, Robinson, Royston, Saunders, Strong, Walker of H. Walker of W. Wilson of L. Wright and Mr President—23.

So the proposed amendment was lost.

On motion of Mr Walker of H. the Report was ordered to be engrossed.

On motion of Mr Smith, the Convention adjourned.

Wednesday, Jan. 27, 1836.

The Convention met pursuant to adjournment.

Mr Fowler, from the Committee on the Militia, made the following Report:

The Committee on the Militia have had under consideration the subject referred to them, and ask leave to report the following Article thereon, to wit;

ARTICLE.

SEC. 1. The Militia of this State shall be divided into convenient Divisions, Brigades, Regiments and Companies, and officers of corresponding title and rank elected to command them, conforming as nearly as practicable to the general regulations of the Army of the United States.

SEC. 2. Major Generals shall be elected by the Brigadier Generals and Field Officers of their respective Divisions; Brigadier Generals shall be elected by the Field Officers and Commissioned Company Officers of their respective Brigades; Field officers shall be elected by the Officers and privates of their respective Regiments; and Captains and Subaltern officers shall be elected by those subject to military duty in their respective Companies.

SEC. 3. The Governor shall appoint the Adjutant General, and other members of his Staff; and Major Generals, Brigadier Generals and Commandants of Regiments shall respectively appoint their own Staff. And Commissioned officers may continue in office during good behavior; and Staff Officers during the same time, subject to be removed by the superior officer from whom they respectively derive their appointments.

On motion of Mr Fowler, the Report was agreed to.

The Chair announced the following Committee, to arrange, article and section the various Reports as they are engrossed—for the final action of the Convention:—Messrs Walker of H. Farrelly and Dickenson.

Mr Roane submitted the following Resolution, which was adopted;

Resolved, That a Committee, to consist of five members, be appointed to draft an address to the Congress of the United States, to accompany the Constitution of the State of Arkansas—and Messrs Roane, Ball, Conway, Cummins and Biscoe were appointed said Committee.

The orders of the day were then taken up.

On motion of Mr Walker of H. the Report of the Committee to draft a Bill of Rights was taken up—and after being read,

On motion of Mr Royston, the Report was agreed to.

On motion, the Report of the Committee on Banking was taken up.

Mr Drennen moved to amend by striking out all after the words 'General Assembly,' in the first line, first Section, and inserting in lieu thereof—'shall not incorporate more than six Banks, including branches'—which was lost.

Mr Fowler moved to amend, by striking out all after the word 'may,' in the

first line, first Section, and inserting in lieu thereof—'from time to time establish such Banking Institutions as the interests of the country may require'—which was lost.

Mr Walker of H. moved that the Report be agreed to—Upon which Mr Fowler called for the yeas and nays, which stood as follows:

YEAS—Messrs Adams, Ball, Biscoe, Brown, Calvert, Clark of Chicot, Clarke of J. Conway, Cummins, Davies, Dickenson, Drew, Elliott, Farrelly, Forebee, Halbrook, Kelly, Lafferty, Lee, Marshall, McKean, Menefee, Murray, Scott, Strong, Walker of H. Wilson of L. Wright and Mr President—29.

NAYS—Messrs Bean, Boon, Drennen, Fowler, King, Lowe, Manly, Martin, May, McCamy, McLain, Ringgold, Roane, Robinson, Royston, Saunders, Slavens, Smith, Walker of W. and Whinnery—20.

So the Report was agreed to.

The engrossed Report of the Committee on the Executive Department was then taken up.

Mr Roane moved to strike out 'four,' in first line, 4th Section, and insert 'two'—which was lost.

On motion of Mr Fowler, a portion of the latter part of the 6th Section was stricken out.

Mr Robinson moved to amend the 7th Sec. 5th line, by inserting after the word 'diseases'—'and shall state to them, when assembled, the purposes for which they shall have been convened—but they shall not enter on no Legislative business, except that for which they were specially called together'—which was lost.

Mr Conway moved to amend the 16th Sec. 3d line, by striking out the words 'the whole number elected to,' and insert in lieu thereof, 'three fifths of'—and 4th line—insert 'three fifths of' in lieu of 'the whole number elected to'.

Mr Royston moved to amend the latter motion, by striking out 'three fifths' and inserting 'two thirds'—Upon which the yeas and nays were required, and stood as follows:

YEAS—Messrs Ball, Bean, Boon, Brown, Conway, Drennen, Elliott, Kelly, Lafferty, Lowe, Manly, Martin, McCamy, McKean, Roane, Robinson, Royston, Slavens and Strong—19.

NAYS—Messrs Adams, Biscoe, Calvert, Clark of C. Clarke of J. Cummins, Davies, Dickenson, Drew, Farrelly, Forebee, Fowler, Halbrook, King, Lacy, Lee, Marshall, May, McLain, Menefee, Murray, Ringgold, Saunders, Scott, Smith, Walker of H. Walker of W. Wilson of L. Whinnery, Wright and Mr President—31.

So the amendment to the amendment was lost.

The question then recurring on the amendment proposed by Mr Conway—the yeas and nays were called for, and stood as follows:

YEAS—Messrs Ball, Bean, Boon, Brown, Conway, Dickenson, Drennen, Elliott, Kelly, Lafferty, Lowe, Manly, Martin, McCamy, McKean, Roane, Robinson, Royston, Slavens, Strong, Walker of H. Walker of W. Wilson of L. Wright and Mr President—25

NAYS—Messrs Adams, Biscoe, Calvert, Clark of C. Clarke of J. Cummins, Davies, Drew, Farrelly, Forebee, Fowler, Halbrook, King, Lacy, Lee, Marshall, May, McLain, Menefee, Murray, Ringgold, Saunders, Scott, Smith and Whinnery—25.

So the proposed amendment was lost.

The Report was then agreed to. Mr Ball was called to the chair.

On motion of Mr Walker of W. the Report of the Committee on the Judiciary was taken up.

Mr Wilson of Clark moved to amend the first Section, by striking out 'County Courts,' and inserting in lieu thereof—'and such other inferior Courts as the Legislature shall from time to time ordain and establish'—which was agreed to.

Mr Farrelly, who voted in the affirmative, moved to reconsider his vote on the adoption of the amendment proposed by Mr Wilson of Clark—which was agreed to.

And the question again recurring on the adoption of said amendment, the yeas and nays were required, and were as follows:

YEAS—Messrs Ball, Bean, Boon, Brown, Dickenson, Drennen, Drew, Fowler, Lafferty, Lowe,

Manly, Martin May McCamy Roane, Royston, Slavens, Smith, Strong and Mr President—20
Nays—Messrs Adams Biscoe, Calvert, Clarke of C Clarke of J Conway, Cummins, Davies, Elliott, Farrelly, Ferebee, Halbrook, Kelly, King, Lacy, Lee Marshall, McKean, McLain, Menefee, Murray, Ringgold, Robinson, Saunders, Scott, Walker of H. Walker of W. Wilson of L Whinnery and Wright—30.

So the amendment was lost.

Mr Fowler moved to amend the first Section, by inserting at the end of the last line—'and when they deem it expedient, may establish Courts of Chancery'—which was agreed to.

Mr Conway moved to amend 2d Sec. fifth line, by inserting after the word 'decision'—'all decisions on questions of law or equity, made by said Court, shall be given in writing'—which was lost.

Mr Royston moved to amend the 7th Sec. by striking out 'twelve' in the first line, and inserting 'eight'—strike out 'eight' in eighth line, and insert 'six', and in the ninth line insert the word 'eight'—and insert in the 11th line after the word 'four,' the words 'six and eight'—Upon which the yeas and nays were required, and stood as follows;

Yeas—Messrs Adams, Ball, Bean, Boon, Brown, Calvert, Clark of C. Conway, Davies, Dickenson, Drew, Halbrook, King, Lafferty, Lowe, Marshall, Martin, May, McCamy, Murray, Ringgold, Robinson, Royston, Saunders, Smith, Strong, Walker of W. Whinnery and Mr President—29.

Nays—Messrs Biscoe, Clarke of J. Cummins, Drennen, Elliott, Farrelly, Ferebee, Fowler, Kelly, Lacy, Lee, Manly, McKean, McLain, Menefee, Roane, Scott, Slavens, Walker of H. Wilson of L. and Wright—21.

So the proposed amendments were agreed to.

On motion of Mr Slavens, the Report was adopted.

Mr Murray moved to adjourn—which was lost.

Mr Walker of W. moved to take up the Report of the Committee on Miscellaneous Subjects—which was lost.

On motion of Mr Royston, said Report was taken up.

And, on motion of Mr Slavens, the Convention adjourned.

Thursday, Jan. 28, 1836.

The Convention met, pursuant to adjournment.

Mr Farrelly moved that the Committee to arrange, article and section, of the Constitution, be authorized to transpose the amendment made yesterday to the 9th Sec. of the Judiciary Report, to the 10th Sec. Upon which the yeas and nays were called for, and were as follows:

Yeas—Messrs Adams, Ball, Bean, Boon, Brown, Calvert, Clark of C. Clarke of J. Conway, Cummins, Davies, Dickenson, Drennen, Drew, Elliott, Farrelly, Ferebee, Fowler, Halbrook, Kelly, King, Lacy, Lafferty, Lee, Marshall, May, McKean, McLain, Menefee, Murray, Ringgold, Roane, Robinson, Royston, Saunders, Scott, Walker of H. Wilson of L. Whinnery, and Wright—40.

Nays—Messrs Bates, Lowe, Manly, Martin, McCamy, Smith, Strong, Walker of W. and Mr President—9.

So the motion was agreed to.

On motion of Mr Walker of H. the Report of the Legislative Committee was taken up.

Mr Fowler moved to amend the 10th Sec. line 6, by striking out the word 'Postmasters'—which was lost.

On motion of Mr Bean, the 29th Section was amended, by inserting, after the word 'miles' in the 6th line, the words, 'except Washington County, which may be reduced to six hundred square miles'.

On motion of Mr Fowler, the 29th Sec. was amended, by inserting after the word 'miles'—3d line—'nor to a less population than its ratio of representation in the House of Representatives'.

Mr Conway moved to amend the 29th Sec. by inserting after the amend-

ment last adopted--'except the Counties of Hot Spring and Union'—which was lost.

Mr Martin moved the following amendment to the 31st Section—'The Counties of Randolph, Lawrence, Greene and St Francis shall compose one District, and elect two Senators'—Upon which the yeas and nays were required, and were as follows:

YEAS—Messrs Adams, Ball, Bean, Boon, Brown, Drennen, King, Lafferty, Martin, McCamy, Menefee, Murray, Ringgold, Robinson, Saunders, Smith, Walker of W. and Whinnery—18.

NAYS—Messrs Bates, Biscoe, Calvert, Clark of C. Clarke of J. Conway, Cummins, Davies, Dickenson, Drew, Elliott, Farrelly, Fowler, Halbrook, Kelly, Lacy, Lee, Lowe, Manly, Marshall, May, McKean, McLain, Roane, Royston, Scott, Strong, Walker of H. Wilson of L. Wright, and Mr President—31.

So the proposed amendment was lost.

On motion of Mr Ringgold, the Report was then agreed to.

Mr Manly moved that the Committee appointed to arrange, article and section the Constitution, for the final action of the Convention, have leave to sit during the sitting of the Convention—which was agreed to.

On motion of Mr Walker of H. the Report on Miscellaneous Subjects was taken up.

On motion of Mr Fowler, the first Sec. was stricken out.

Mr Davies moved to strike out the fifth Section—which was lost. He then moved to strike out the words, 'or a future state of rewards and punishments'—which was agreed to.

Mr Royston moved the following, in lieu of the first Section heretofore stricken out—which was rejected. "Each member of the Senate and House of Representatives shall, before they proceed to business, take an oath or affirmation, to support the Constitution of this State and of the United States—and also the following oath—'I ——— ——— do solemnly swear, or affirm, that, as a member of this General Assembly, I will in all appointments vote without favor, affection, partiality or prejudice—and that I will not assent to any bill, vote or resolution, which shall appear to me injurious to the people; or consent to any act or thing whatever, that shall have a tendency to lessen or abridge their rights and privileges, as declared by the Constitution of this State'."

On motion of Mr Walker of H. the 7th Sec. was stricken out.

On motion of Mr Cummins, the 19th Sec. was stricken out.

Mr Walker of W. moved to strike out the 14th Sec.—which was lost.

On motion of Mr Farrelly, the 16th Sec. which was heretofore stricken out, was again made a part of said Report.

On motion of Mr Walker of W. the 20th Sec. was stricken out.

On motion of Mr Fowler, the word 'foreign' in the first line, 22d Sec. was stricken out.

On motion of Mr Walker of H. the Report was then agreed to.

The supplementary Report of the Committee on the Judiciary was taken up—and, on motion of Mr Fowler, it was agreed to.

Mr Drennen submitted the following Resolution, which was adopted:

Resolved, That this Convention will proceed, on to-morrow, at three o'clock, to elect by ballot a messenger to carry the Constitution of the State of Arkansas to Washington City.

Mr Murray moved to adjourn—which was lost.

On motion of Mr Walker of W. the Report on Ordinance and Compact was taken up.

Mr Ringgold moved to amend the fourth Section, by striking out all after

the word 'State'—and inserting in lieu thereof—'and appropriated by said General Assembly for a Seminary or Seminaries of learning, as the public good may require'—Upon which the yeas and nays were called for, and were as follows:

YEAS—Messrs Adams, Bean, Biscoe, Clark of C. Clarke of J. Davies, Dickenson, Drennen, Drew, Elliott, Perebee, Halbrook, Kelly, King, Lafferty, Lowe, Manly, Marshall, Martin, M'Kean, Murray, Ringgold, Robinson, Royston, Saunders, Scott, Smith, Walker of W. Whinnery and Mr President—30.

NAYS—Messrs Ball, Boon, Brown, Calvert, Conway, Cummins, Farrelly, Fowler, Lacy, Lee, May, McCamy, McLain, Menefee, Rouse, Strong, Walker of H. Wilson of L. and Wright—19.

So the amendment was adopted.

On motion of Mr Walker of H. the Report was adopted.

Mr Menefee submitted the following Resolution:

Resolved, That a Committee of three members be appointed to ascertain at what price ——— copies of the Constitution, and the shortest period in which the same can be done; and that said Committee ascertain the contingent expenses of this Convention, and report thereon to-morrow morning.

Before any definite action was had on said Resolution, on motion of Mr Bean the Convention adjourned.

Friday, Jan. 29, 1836.

The Convention met pursuant to adjournment.

Mr Marshall, from the Committee to draft a Schedule to the Constitution, made the following Report

The Committee to whom the subject of a Schedule was referred, ask leave to report

SEC. 1. That no inconvenience may arise from the change of government, we declare that all writs, actions, prosecutions, judgments, claims and contracts of individuals and bodies corporate shall continue as if no change had taken place, and all process which may be issued under the authority of the Territory of Arkansas previous to the admission of Arkansas into the Union of the United States, shall be as valid as if issued in the name of the State.

SEC. 2. All laws now in force in the Territory of Arkansas, which are not repugnant to this Constitution, shall remain in force until they expire by their own limitation, or be altered or repealed by the General Assembly.

SEC. 3. All fines, penalties and escheats, accruing to the Territory of Arkansas, shall accrue to the use of the State.

SEC. 4. All recognizances heretofore taken, or which may be taken before the change of Territorial to a permanent State Government, shall remain valid, and shall pass over to, and may be prosecuted in the name of the State; and all bonds executed to the Governor of the Territory, or to any other officer or Court, in his or their official capacity, shall pass over to the Governor or State authority and their successors in office for the uses therein respectively expressed; and may be sued for and recovered accordingly. All criminal prosecutions and penal actions, which may have arisen, or which may arise before the change from a Territorial to a State Government, and which shall then be pending, shall be prosecuted to judgment and execution in the name of the State. All actions at law which now are or may be pending in any of the Courts of record in the Territory of Arkansas, may be commenced in, or transferred to, any Court of record of the State, which shall have jurisdiction of the subject matter thereof, and all suits in equity may, in like manner, be commenced in, or transferred to, the Court having Chancery jurisdiction.

SEC. 5. All officers civil and military, now holding commissions under authority of the United States or of the Territory of Arkansas, shall continue to hold and exercise their respective offices until they shall be superceded under the authority of the State.

Sec. 6. The first session of the General Assembly of the State of Arkansas shall be held at the City of Little Rock, which shall be and remain the Seat of Government until otherwise provided for by law.

Sec. 7. Elections shall be held at the several precincts on the first Monday of August next for a Governor; also one Representative to the Congress of the United States; also for Senators and Representatives to the next General Assembly, Clerks of the Circuit and County Courts, Sheriffs, Coroners, County Surveyors and Treasurers, Justices of the Peace and Constables.

Sec. 8. The next General Assembly shall be holden on the second Monday of September next.

Sec. 9. The election shall be conducted according to the existing laws of the Territory of Arkansas; and the returns of all township elections held in pursuance thereof, shall be made to the Clerks of the proper Counties within five days after the day of election. The Clerks of the Circuit Courts of the several Counties shall immediately thereafter certify the returns of the election of Governor, and transmit the same to the Speaker of the House of Representatives at the Seat of Government, in such time that they may be received on the second Monday of September next. As soon as the General Assembly shall be organized, the Speaker of the House of Representatives and the President of the Senate shall, in the presence of both Houses, examine the returns, and declare who is duly elected to fill that office, and if any two or more persons shall have an equal number of votes, and a higher number than any other person, the General Assembly shall determine the election by a joint vote of both Houses. And the returns of the election for member to Congress shall be made to the Secretary of State within thirty days after the day of election.

Sec. 10. The oaths of office may be administered by any Judge or Justice of the Peace, until the General Assembly shall otherwise direct.

Done by the Representatives of the People of Arkansas, in Convention assembled, at the City of Little Rock, on the thirtieth day of January, in the year of our Lord, one thousand eight hundred and thirty six, and of the Independence of the United States the 60th year.

Mr Fowler moved to amend the 6th Sec. by striking out the words, 'until otherwise provided for by law'—Upon which the yeas and nays were called for, and were as follows.

Yeas—Messrs Conway, Cummins, Fowler, McLain and Roane—5.

Nays—Messrs Adams, Ball, Bean, Biscoe, Boon, Brown, Calvert, Clark of C. Clarke of J. Davies, Dickenson, Drennen, Drew, Elliott, Farrelly, Ferebee, Halbrook, Kelly, King, Lafferty, Lee, Lowe, Manly, Marshall, Martin, McCamy, McKean, Menefee, Murray, Ringgold, Robinson, Royston, Saunders, Scott, Slavens, Smith, Strong, Walker of H. Walker of W. Wilson of L. Whinnery, Wright and MrPresident—13.

So the amendment was rejected.

Mr Farrelly asked and obtained leave of absence for this day.

On motion of Mr Royston, the Report was agreed to.

Mr Lacy submitted the following Resolution:

Resolved, That this Convention allow their Secretary ten dollars per day for his services—and the Door-keeper three dollars per day.

Mr Robinson moved to lay the Resolution on the table—which was lost.

And then the Resolution was adopted.

Mr Roane, from the Committee to draft an address to Congress to accompany the Constitution, made the following Report:

To the Honorable the Senate and House of Representatives, in Congress assembled.

The People of Arkansas, through their Representatives in Convention assembled, respectfully represent to your Honorable body that the Territory of

Arkansas, by an accession of population within her limits, has now that number of inhabitants that justifies her to look with confidence to her admission into the Union as one of the free and Independent States of the American Confederacy, at as early a period as the necessary forms of admission can be complied with.

The People of Arkansas, animated with a desire for the enjoyment of independence and self-government, have, by an expression of their will, approximating to unanimity, elected Representatives to meet in Convention at the City of Little Rock, with full and ample powers to make a Constitution and system of State Government for Arkansas. The accompanying Constitution is the result of their deliberations.

Relying with entire confidence on the liberal policy of the United States, that whatever will minister to the happiness, security and interest of Arkansas will meet a cordial and liberal response from the Congress of the United States, we respectfully ask your Honorable body that Arkansas may be admitted on an equal footing with the original States in the Union, at as early a period as practicable.

And, on motion, the Report was agreed to.

Mr Walker of H. submitted the following Resolution:

Resolved, That the Secretary be required to make out two copies of the Constitution—one on parchment, and the other on paper—which shall be transmitted to Congress—and the other shall be laid up in the archives of the State—for which service he shall be allowed one hundred dollars.

Mr Robinson moved to amend said Resolution, by inserting 'seventy five' dollars in lieu of 'one hundred'—Upon which the yeas and nays were required, and were as follows.

Yeas—Messrs Biscoe, Boon, Calvert, Clarke of J. Conway, Elliott, Manly, Martin, McCamy, Robinson, Royston and Mr President—12.

Nays—Messrs Adams, Ball, Bean, Brown, Clark of C. Cummins, Davies, Dickenson, Drennen, Farrelly, Ferebee, Fowler, Halbrook, Kelly, King, Lacy, Lafferty, Lee, Lowe, Marshall, May, McKean, McLain, Menefee, Murray, Ringgold, Roane, Saunders, Scott, Slavens, Smith, Strong, Walker of H. Walker of W. Wilson of L. Whinnery and Wright—37.

So the motion was lost,

And then the Resolution was adopted.

Mr Walker of H. submitted the following Resolution:

Resolved, That the Messenger who bears the Constitution to Congress shall receive for his services five hundred dollars in Territorial scrip.

On motion, 'five' was stricken out—and then

Mr Dickenson moved to strike out all after the word 'receive,' and insert—'such compensation as the next General Assembly may deem proper'—which was agreed to.

And then the Resolution was adopted.

On motion of Mr Strong, the Convention then proceeded to the election of a messenger to bear the Constitution to the City of Washington.

Mr Farrelly moved that Mr Bates have leave to send in his ballot on the first balloting, and after, in any case when his vote might cause an election.

Mr Walker of H. moved to amend the latter motion, authorizing Mr Bates to vote by proxy—which was adopted.

The question then recurring on the adoption of Mr Farrelly's motion—it was lost.

The Chair announced nominations to be in order—when

Mr Menefee nominated Dr *J. H. Cocke*—Mr Ringgold nominated *C. F. M. Noland*—Mr Drennen nominated *R. C. S. Brown*—Mr Clark of C. nominated *Barnett Williams*—Mr Walker of H. nominated *Elias Rector*—Mr Drew nominated *Robertson Childress*—and Mr King nominated *The U. S. Mail*.

Ballot	1st	2d	3d	4th	5th	6th	7th	Messrs Strong and Marshall, Tellers
J. H. Cocke	4	6	6	5				Cocke withdrawn on 5th ballot
C. F. M. Noland	9	10	10	15	16	25	28	
R. C. S. Brown	13	17	17	16	19	20	20	
R. Williams	5	5	3					Williams withdrawn on 4th ballot
P. Rector	10	10	11	11	9			Rector on the 5th ballot.
R. Childress	4	3	3	4	5	4	1	Childress withdrawn on 6th ballot
P. S. Mail	4	1	2	1	1	1	1	

And C. F. M. Noland, having received a majority of all the votes on the 7th ballot, was declared duly elected.

The Convention took a recess until 7 o'clock.

On the meeting of the Convention at 7 o'clock, Mr Scott moved to adjourn—which was lost.

Mr Scott moved for a call of the Convention—and upon the call of the roll, five members were found to be absent.

Mr Walker of H. moved that the Constitution be read—The Chair decided the motion to be out of order.

Mr Walker of H. appealed from the decision of the Chair, and was sustained by the Convention.

Mr Menefee moved to adjourn—which was lost.

Mr Scott moved to adjourn—which was lost.

Mr May moved to adjourn—which was lost.

Mr Farrelly moved to adjourn until to-morrow, nine o'clock—which was agreed to—and the Convention adjourned.

Saturday, Jan. 30, 1836.

The Convention met pursuant to adjournment.

Mr Lacy submitted the following Resolution:

Resolved, That this Convention authorize their Public Printer to publish ten thousand copies of the Constitution of Arkansas, and one thousand copies of the Journal of the Convention—and that the Secretary of this Convention be directed to circulate them among the several Counties, according to the relative population in each County.

Mr Manly moved to amend the Resolution, by inserting 2,500 in lieu of 10,000—which was lost.

Mr Smith then moved to amend by inserting 5,000 in lieu of 10,000—which was agreed to.

On motion of Mr McKean, the Resolution was amended by inserting 500 copies in lieu of 1,000—which was agreed to.

And then the Resolution was adopted.

Mr Strong submitted the following Resolution—which was rejected:

Resolved, That John Wilson, President of this body, be entitled to receive for his services six dollars per day.

Mr Cummins submitted the following Resolution—which was adopted:

Resolved, That an authenticated abstract of the late census of the Territory be procured by the Secretary, and transmitted with the Constitution to the Delegate in Congress.

Mr Whinnery moved that the Constitution, as read, be adopted—upon which the yeas and nays were called for, and were as follows:

YEAS—Messrs Adams, Bates, Bean, Biscoe, Brown, Calvert, Clark of C. Clarke of J. Conway, Cummins, Davies, Dickenson, Drennen, Drew, Elliott, Farrelly, Ferebee, Fowler, Halbrook, Kelly, King, Lacy, Lafferty; Lee, Lowe, Manly; Marshall, Martin, May, McKean, McLain; Menefee, Murray, Ringgold, Robinson, Royston, Saunders, Scott, Stevens, Smith, Strong, Walker of M. Walker of W. Wilson of L. Whinnery, Wright and Mr President—46.

NAYS—Messrs Ball, Boon, McCamy and Roane—4.

So the Constitution was adopted.

The following Resolution was introduced:

Resolved, That in case the Constitution of the State of Arkansas, made by this Convention, shall not be ratified prior to the first Monday of August next, the President of this Convention, or, in case of his absence or death, the Sec-

retary, shall, and he is hereby authorized and empowered to, issue his proclamation for the election of a Governor, member to Congress, members to the General Assembly, and all other officers to be elected by the people, at the several precincts for holding elections, within ninety days after the promulgation of said ratification—and such election so held, shall be conducted according to the existing laws in relation to elections, and be equally as binding as if the same was to take place at the time prescribed in said Constitution.

Upon which the yeas and nays were called for, and stood as follows:

YEAS—Messrs Ball, Bean, Boon, Brown, Clark of C. Conway, Cummins, Drew, Elliott, Lacy, Lafferty, Lee, May, McCamy, Roane, Robinson, Royston, Strong, Walker of H. and Mr President—20.

NAYS—Messrs Adams, Bates, Biscoe, Clarke of J. Davies, Dickenson, Drennen, Farrelly, Fergee Fowler, Halbrook, Kelly, King, Lowe, Manly, Marshall Martin, McKean, McLain, Menefee, Murray, Ringgold, Saunders, Scott, Stevens, Smith, Walker of W Wilson of L. Whinnery and Wright—30.

So the Resolution was rejected.

Mr Farrelly submitted the following Resolution—which was rejected:

Resolved, That the President sign the account of Mr Halbrook for per diem pay, during the sitting of this Convention.

Mr Bean submitted the following, which was unanimously adopted:

Resolved, That the thanks of this Convention be given to John Wilson, for the able, dignified and impartial manner in which he has discharged the duties devolving on him as President thereof.

Mr Wilson rose and addressed the Convention as follows:

GENTLEMEN—Deeply impressed, as I am, with a high sense of gratitude, not only for your selection of me to preside over the deliberations of this highly respectable body, but for the unanimous Resolution which you have been pleased to adopt at the close of the solemn duties which the people have been pleased to confide to us—it is my sincere hope that the approbation of the community may crown the result of your labors—and that it may accomplish the momentous object for which we have been convened, and redound to the liberty, tranquility and permanent welfare of our constituents and to posterity.

While I tender you my affectionate adieu, (for indeed, Gentlemen, it may be a final adieu with many of us,) indulge me in the fervent expression of my gratitude for your uniform support and approbation, and my best wishes for your prosperity and happiness. My thanks be to you all! and my best wishes accompany you to your homes and domestic enjoyments!

The following Resolution, submitted by Mr Ball, received the unanimous approbation of the Convention:

Resolved, That the President present the thanks of this Convention to Charles P. Bertrand, Secretary to the Convention, for the able and faithful discharge of the duties of his office, during the session of this Convention.

Mr Scott introduced the following—which was adopted: Resolved, That Mitchell's map of the United States, which was purchased for the use of this Convention, become the property of the State of Arkansas, to be used by the General Assembly thereof, and that the Governor be requested to take charge of the same until the next meeting of the General Assembly.

Mr Walker of H. submitted the following—which was adopted:

Resolved, That Messrs Cummins, Fowler and McLain, in connection with any other member of this Convention who may remain in Little Rock, be requested to superintend the copying of the Constitution of Arkansas and attaching the signatures thereto.

Mr Farrelly introduced the following, which was adopted: Resolved, That the President of this Convention be instructed to address a note by the bearer of the Constitution, to the Secretary of State of the United States, to accompany said Constitution, and that the Secretary countersign the same.

And, on motion of Mr Drennen, the Convention adjourned *sine die*.

C. P. BERTRAND, SECRETARY. JOHN WILSON, PRESIDENT.